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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1996

Addendum

OVERSEAS DEPENDENT TERRITORIES AND CROWN DEPENDENCIES OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*[1]

[26 May 1999]

* This document submitted by the Government of the United Kingdom contains initial reports relating to the Crown Dependencies of Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, Pitcairn Island, St. Helena and its dependencies, the Turks and Caicos Islands.

[1] Annexes referred to in the text are available for consultation in the secretariat.

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ANGULLA

Introduction

1. The Convention on the Rights of the Child was extended to Anguilla on 7 September 1994.

2. Information relating to Anguilla is set out in annex I to the core document submitted by the United Kingdom of Great Britain and Northern Ireland in respect of Overseas Dependent Territories and crown Dependencies on 14 September 1995 (HRI/CORE/1/Add.62). Particular attention is drawn to the information on the general legal framework and human rights contained in that annex.

3. On ratification of the Convention, the United Kingdom made a number of reservations in respect of itself and the dependent territories. It is considered that it would be premature to withdraw the reservations made by the United Kingdom in respect of Anguilla.

General measures of implementation

4. Provision to safeguard the rights of children is made under existing legislation. As noted in the core document, treaties do not themselves have the force of internal law. No specific legislation has been enacted to give effect to the Convention on the Rights of the Child but legislation to provide for matters dealt with in the Convention has been included in the law reform programme, which is to commence shortly.

Responsible authorities

5. The Departments of the Anguilla Government responsible for matters relating to children are:

(a) The Department of Health,

(b) The Department of Education, and

(c) The Community Development and Welfare Department.

Publication of Convention and reports

6. Following the extension of the Convention to Anguilla, the text of the Convention was circulated to all Ministries, the Commissioner of Police and the Superintendent of Prisons. The text was also forwarded to the members of the House of Assembly and to the Librarian of the Public Library.

7. A copy of the Convention is available at the Public Library and notice to this effect is displayed at the notice boards of the library.

Definition of the child

8.1 In general terms, an individual attains full age with civil rights at 18. Under that age he or she is most generally referred to as a minor. However, other ages are relevant for certain legal purposes:

(a) The age of criminal responsibility (under which a child cannot be convicted of a criminal offence) is 8. A child under the age of 14 may only be convicted of a criminal offence if it is proved that the child was possessed of a mischievous intention (i.e. he knew what he was doing was wrong).

(b) The minimum age for a custodial sentence is 14.

(c) Compulsory school age is between 5 years and 17 years.

(d) Age when marriage permitted with or without consent is 18, but a girl (or boy) 16 years or over may consent to sexual intercourse.

(e) Children under the age of 16 may not purchase alcohol or tobacco, and section 71 (5) of the Education Ordinance prohibits children of compulsory school age to loiter on premises that sell liquor.

(f) Children may be taken into care by a social service authority up to the age of 17.

(g) There are restrictions on employment up to the age of 17.

8.2 A minor may not consent to medical treatment without his parent's agreement.

General principles

Legislation

9. The principal laws which particularly concern children are:

(a) Welfare. Employment of Women, Young Persons and Children Act (Cap. 290). This law prohibits the employment of young persons (15 to 18 years) during nights in any industrial undertaking. See also the restrictions on employment in the Education Ordinance noted at paragraph 49 below.

Maintenance of Children Ordinance (Cap. 47). This law empowers a magistrate to prevent any parent leaving Anguilla without making adequate provision for the maintenance of his or her child under the age of 14.

Social Security Ordinance 1980. Survivors' benefits under this law extend to children. There is also provision for the payment of pensions to orphans.

(b) Family Matrimonial Proceedings and Property Ordinance 1990. Provision is included in this Ordinance for the protection and custody of children, for their maintenance, and for the supervision of children. See also the provisions of the Magistrate's Code of Procedure Act referred to in paragraph 21 below.

Guardianship of Infants Act (Cap. 323) makes provision for the custody and upbringing of children.

(c) Adoption. Adoption of Children Act (chap. 322). The object of this law is to regulate the adoption of children.

(d) Education. Education Ordinance 1993. The Ordinance makes the Minister of Education responsible for devising a system of education. Education is compulsory and free for children between the ages of 5 and 17.

(e) Criminal law. The Juvenile Act (Cap. 39) and the Juvenile Courts Act (Cap. 40). The latter act provides for the establishment of juvenile courts for the trial of juveniles under the age of 16 from which the public are excluded. The former, in addition to setting out the procedure in such courts, provides for the protection of juveniles from ill-treatment and neglect (see sections 5 to 7).

The Magistrate's Code of Procedure Act (Cap. 46). The Code prescribes the procedure before a magistrate's court. Juveniles are tried in a magistrate's court, not a juvenile court, if they are charged jointly with an adult.

For the purposes of the Magistrate's Code of Procedure Act and the Juvenile Courts Act,

(i) A child is defined as a person who is, in the opinion of the magistrate before whom he is brought, under the age of 14;

(ii) A young person is defined as a person who has attained the age of 14 and is under the age of 16.

No child convicted under the provisions of either law shall be liable to be imprisoned. However, a young person could be imprisoned up to three months. When a child or young person is convicted of an offence, the magistrate may make an order for his supervision by a probation officer or may send him to a training school.

Corporal Punishment Ordinance 1967. This Ordinance empowers the Court to impose corporal punishment on a male juvenile (i.e. a male under the age of 16). A bill to abolish judicial corporal punishment is at present before the House of Assembly.

Discrimination

10.1 The laws on Anguilla which relate to children and the services provided for children by the Government apply without any discrimination, whether on the grounds set out in article 2 of

the Convention or otherwise. Section 13 (1) of the Constitution of Anguilla provides inter alia that no law shall make any provision which is discriminatory either of itself or its effect.

10.2 The Education Ordinance prohibits discrimination with respect to admission to, or expulsion from, schools on account of race, place of origin, colour, creed, sex, religion, or the political affiliation of the parents of any child.

The best interests of the child

11.1 Financial provision for the child of the family is made in the Matrimonial Proceedings and Property Ordinance 1990. The parties to a marriage are required to maintain the children of the family and provision with regard to protection and custody of children under Part III of the Ordinance is designed in the best interest of the children of the marriage.

11.2 The Guardianship of Infants Act provides that the Court in deciding the question of the custody or upbringing of an infant shall have regard to the welfare of the infant as the first and paramount consideration.

11.3 The Adoption Ordinance requires the Court making an adoption order to be satisfied that it is for the welfare of the child.

The right to life

12. Section 2 of the Constitution provides that no person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law of Anguilla of which he has been convicted. The death penalty has been abolished by the Caribbean Territories (Abolition of Death Penalty for Murder) Order 1991 (S.I No. 988 of 1991) in respect of the crime of murder.

The right to life is also protected by the criminal law.

Civil rights and freedoms

Name and nationality

13. Provision is made in the Registration of Births, Deaths and Marriages Ordinance (Cap. 329) to notify the registrar of the birth of every child within 30 days of the birth. Registration of the birth of a child after six months from the birth requires the written authority of the Registrar General.

14. A child born in Anguilla is a British Dependent Territories Citizen if, at the time of his birth, his father or mother is a British Dependent Territories Citizen or settled in Anguilla. If neither of the parents is so qualified at the time of the birth but one or other subsequently becomes so qualified while the child is a minor, the child may be registered as a British Dependent Territories Citizen. Further, a child born in Anguilla and not otherwise such a citizen

can be registered as a citizen after he attains the age of 10 if he has lived in Anguilla since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Preservation of identity

15. Section 19 of the Registration of Births, Deaths and Marriages Ordinance provides that no alteration in any register shall be made except as authorized under that Ordinance. Any clerical error may be corrected by the Registrar General or by any person authorized by him. An error of fact or substance in any register may be corrected by entry in the margin without any alteration of the original entry.

Freedom of expression and association

16. It is a principle of law that a person, including a child, is entitled to do anything unless it is specifically forbidden by law. Accordingly, a child has the rights set out in articles 13 and 15 of the Convention, subject only to the restrictions prescribed by law as recognized in those articles and to the responsibilities of the parents as recognized in article 18. See also sections 11 and 12 of the Constitution of Anguilla.

Access to appropriate information

17.1 A new public library has been constructed and it is situated opposite the Anguilla Secondary School. Children are increasingly using the library, which is also opened on Saturday. The library organizes special programmes such as story telling, reading for small children and computer lessons for others.

17.2 Radio Anguilla's panel discussions, which are very active, discuss issues that relate to children, for example education, the shortage of facilities for youths and teenage mothers returning to school. There is a local television station which provides a limited number of programmes on local issues, for example local news on important events in the community.

Freedom of thought, conscience and religion

18. Every person on Anguilla has the right to freedom of thought and conscience and religious freedom subject only to the limitations prescribed by as recognized by article 14 and subject to the right of parents to provide guidance. Section 10 of the Constitution of Anguilla protects freedom of conscience. It provides that no person shall be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, both in public and private, to manifest and propagate his religion or belief in worship, teaching, practice and observance. No person attending any place of education shall be compelled to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

Protection of privacy

19. Except under the authority of any law for some specific purposes, no person shall be subjected to the search of his person or property (section 8 of the Constitution).

Right not to be subject to torture or cruel, inhuman or degrading treatment or punishment

20. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment extends to Anguilla and is given effect in domestic law by the Criminal Justice Act 1988 (Torture) (Overseas Territories) Order 1988 of the United Kingdom. The Constitution of Anguilla also provides that no person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

Family environment and alternative care

Parental rights and responsibilities

21.1 The laws of Anguilla recognize that parents are the best people to bring up their children, that they have rights and responsibilities for that purpose and that they may not be deprived of the care and custody of their children except on the order of the Court. As noted above, the Matrimonial Proceedings and Property Ordinance 1990 requires the parties to a marriage to maintain the children of the marriage and, under section 25, the Court may, in matrimonial proceedings, make an order for the financial provision of the child. Section 47 of that Ordinance requires that a Court shall not make absolute a decree of divorce, or make a decree of judicial separation or nullity, unless satisfied that arrangements are made for the welfare of the children of the parties and section 48 (3) provides that the Court may include in the decree or declaration that either party to the marriage in question is unfit to have the custody of the children of the family. The Court is also empowered to order that a child be placed in the custody of a welfare officer (probation officer) where the Court finds that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person.

21.2 Part V of the Magistrate's Code of Procedure Act also provides for the making of orders in summary proceedings for the custody and maintenance of both legitimate and illegitimate children.

22. The father and mother have equal rights over their infant child. Section 4 of the Guardianship of Infants Act provides that the mother of an infant shall have like powers to apply to the Court in respect of any matter affecting the infant as are possessed by the father.

23. Adoptive parents have the same rights and obligations towards their adopted children as natural parents.

24. Parents have a duty to ensure that their children receive education. Under section 70 of the Education Ordinance 1993 a parent of a child of compulsory school age who neglects or refuses to cause the child to attend school shall, unless the child is legally excused under section 62, be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Separation from parents and children deprived of a family environment

25. Under the Matrimonial Proceedings and Property Ordinance 1990, either party to a marriage may apply to the court on the grounds that the other has wilfully neglected to provide reasonable maintenance for a child of the family. The Court is also empowered to make custody orders and may order that the child be placed in the custody of an independent person. There are no foster homes in the Island.

Family reunification

26. There are no restrictions on immigrants bringing their children with them.

Recovery of maintenance for the child

27. The Maintenance of Children Ordinance empowers a magistrate to prohibit a parent leaving Anguilla without making adequate provision for the maintenance of his or her child.

28. Under the Maintenance Orders (Reciprocal Enforcement) Ordinance, 1978, an order made by the Court of Anguilla against a person, who is residing in another country (reciprocating country) could be enforced in that country and such an order made by a court in a reciprocating country could be enforced in Anguilla.

29. See also the provision for financial provision and maintenance referred to in paragraphs 21 and 27.

Adoption

30. Upon an adoption order being made, all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as though the adopted child was a child born to the adopter in lawful wedlock. In making an adoption order, the court is required to have regard to the views of the child which is the subject of the proceedings, due account being taken of his age and understanding.

Illicit transfer and non-return of children

31. The illicit transfer and non-return of children is not a problem in Anguilla.

Abuse and neglect, including physical and psychological recovery and social reintegration

32. Provisions of the Juvenile Act are designed to provide for the prevention of cruelty to, and neglect of, children and empower a magistrate to remove a juvenile to a place of safety. There are other ordinances which also provide for specific offences against children. Under the Criminal Law (Amendment) Act (Cap. 19), offences are provided for the defilement of girls under the age of 14, permitting the defilement of a young girl and the abduction of girls under 16

for an immoral purpose. The Offences Against the Person Act (Cap. 56) creates offences relating to aggravated assaults on females and boys under 14, indecent assault, and abduction of a girl under 16. Mention is also made above of the provisions of the Maintenance of Children Ordinance.

Basic health and welfare

Survival and development

33. The infant mortality rate was 5.3 for 1,000 births in 1995 and compares favourably with previous rates of 6.7 in 1993, 7.5 in 1992, and 6.7 in 1991. Consequently the population in 1996 was 10,663 compared to 9,290 in 1992 and 6,842 in 1984.

34. Besides the facilities in Princess Alexandra Hospital, the main hospital in Anguilla situated in the valley, post-natal care is available in government clinics in East End, Island Harbour, South Hill and Valley Centre.

Health and health services

35. There are the following health professionals and facilities in Anguilla: doctors: 5; dentists: 2; surgeon: 1; optician: 1; nurses: 25; midwives: 11; district nurses: 7; pharmacists: 3; private doctors: 3; district clinics: 5; hospital: 1.

36. Health services are provided in the schools by school health nurses who are attached to the schools.

37. Psychiatric problems exist in Anguilla. The services of a visiting psychiatrist are available.

Social security and standards of living

38. Under section 15 of the Hospitals and Poor Relief Ordinance (Cap. 215), the Poor Law Board is authorized to grant relief to destitute families, and under section 21 to a single woman who is pregnant or has given birth.

39. Under the Social Security Benefits Regulations, survivor's benefits are extended to children (including illegitimate, adopted and stepchildren and others living with and maintained by the deceased). The survivor's benefit is paid to the widow or widower or, in the case of orphans, to such persons as the Director of Social Security may direct.

40. Day-care facilities are available throughout Anguilla. There are two established day-care centres and six known home day-care centres. These facilities operate on average of eight to nine hours every weekday. The average ratio of children to carers in these facilities is approximately 4:1. In addition, an undetermined number of persons care for young relatives in their homes. There are no government or free day-care centres.

Leisure and cultural activities

Education, including vocational training and guidance

41 There are seven primary schools (six government and one private) and one government secondary school in the Island. There are 68 teachers in the government primary schools and 60 teachers in the secondary school.

42 Facilities for higher education are not available in Anguilla. Many students go to the University of the West Indies for their higher education. Besides the fees, which are increasing every year, students have to find the necessary finance for their board or lodging. Not all parents are able to support their children in higher education. The Anguilla Government therefore has a scholarship scheme to assist students. To cut down the cost of higher education, the Government, in collaboration with the University of the West Indies, commenced the "Challenge Programme" in Anguilla, which enables students to complete their first-year course in Anguilla itself. Students have enrolled for Public Administration and Business Administration courses. Government intends to commence the first year LL.B course in the near future.

43 There is no vocational education provided locally at present.

44.1 It is the policy of the Anguilla Government that every child be given a basic education and, accordingly, it has made education compulsory and free between the age of 5 and 17.

44.2 Truancy problems do exist. The Education Ordinance provides a mechanism to deal with it and the education authorities are taking steps to curb it.

44.3 The Education Ordinance also makes provision for discipline in schools and for the suspension and expulsion of pupils.

Aims of education

45 Educational policy is spelt out in the Education Ordinance. It is designed as far as possible to ensure that the intellectual and vocational abilities, aptitudes and interests of students find adequate expression and opportunity for development.

Leisure and cultural activities

46 Activities during leisure time centre around the church, schools and the library. Church activities include concerts in which children participate. The library has extended its hours of work to encourage children to use the library and the computer unit. There is also a fair amount of sports.

Special protection measures

47. There is no refugee problem in Anguilla and there is no armed conflict.

Children in conflict with the law

48. The special regime of the juvenile court and the orders that may be made with regard to children and young persons who are convicted of offences have been noted above. Juveniles are separated from adults when detained in police stations and prisons.

Children in situations of exploitation

49. In addition to the provisions of the Employment of Women, Young Persons and Children Act noted above, the Education Ordinance makes it an offence to employ children of compulsory school age (up to 17 years) during the school year and of children under 14 at all times.

50. There is no drug problem in Anguilla, but the provisions of the Drugs (Prevention of Misuse) Ordinance and the Drug Trafficking Ordinance are effective in preventing the importation, possession or dealing in drugs.

51. There is no sale, procurement or abduction of children in Anguilla. Sexual offences come to the attention of the police and offenders are prosecuted under the Criminal Law (Amendment) Act and the Offences against the Person Ordinance.

52. There are no minority or indigenous people in Anguilla.

Annexes

53. Annexed to this report are the following laws:

Sections 1 to 18 of the Constitution of Anguilla

Sections 51 to 100 of the Education Ordinance

The Guardianship of Infants Act

The Juvenile Act

The Juvenile Courts Act

Sections 99 to 131 of the Magistrate's Code of Procedure Act

Sections 47 to 50 of the Matrimonial Proceedings and Property Ordinance

Regulation 37 of the Social Security (Benefits) Regulations

January 1998

BERMUDA

Introduction

54. The Convention on the Rights of the Child was extended to Bermuda on 7 September 1994.

55. The following changes to the information in paragraph 4 of annex II (Bermuda) to the core document submitted by the United Kingdom of Great Britain and Northern Ireland in respect of Overseas Dependent Territories and Crown Dependencies on 14 September 1995 (HRI/CORE/1/Add. 6.2) should be noted:

Background statistical information

Per capita income	$27,500 (1994/95)
Gross national product	$1,627.5 million (1994/95)
Rate of inflation	At around 2.6 per cent in 1995
Rate of unemployment	Males 4 per cent (1991 census) Females 2 per cent (1991 census)
Literacy rate	Estimated at 97 per cent in 1995
Population	59,807 (1995)
Life expectancy	Males 70 (1995) Females 78 (1995)
Infant mortality rate	3.6 per 1,000 live births (provisional 1995)
Birth rate	14 per 1,000 population (provisional 1995)
Percentage of population -	
Under 15 years old	Males 9.8 per cent (1995) Females 9.7 per cent (1995)
Over 65 years old	Males 4.0 per cent (1995) Females 5.9 per cent (1995)
Percentage of households headed by women	36 per cent (1993 Household Expenditure Survey)

56. It would be premature to propose any change to the reservations made by the United Kingdom on ratification of the Convention in respect of Bermuda.

General measures of implementation

57. As noted in the annex to the core document, treaties which apply to Bermuda (including human rights treaties) do not have the force of internal law and cannot be directly invoked before the courts though the courts will, when possible, construe domestic legislation in such a way as to avoid conflict with applicable treaties. If a treaty required some change in existing law (which need not necessarily be the case as existing law or administrative practice may suffice to give effect to the treaty), new domestic law must be enacted.

58. The existing measures which give effect to the provisions in the Convention on the Rights of the Child are described below. Notwithstanding the protection afforded by those measures, the Child Law Reform Committee is reviewing all legislation affecting the child to make it better reflect Bermuda's philosophy with respect to children and families. The Department of Health and Social Services and the Committee are currently examining children's rights and parents' responsibilities. A Task Force on Child Abuse, which reported in April 1996, recommended that the Children Act 1989 of the United Kingdom be adopted and adapted to fit Bermuda's requirements. (See further paragraph 86 et seq.)

Responsible authorities and voluntary agencies

59.1 The Ministries and Departments of the Government of Bermuda responsible for matters relating to children are:

(a) The Ministry of Education

(b) The Ministry of Health and Social Services

(c) The Ministry of Youth Department, Sport and Recreation

(d) The Ministry of Community and Cultural Affairs, and

(e) The Judicial Department

The Child Law Reform Committee is responsible for recommending amendments to legislation.

59.2 Voluntary organizations which provide social services include:

(a) The Salvation Army

(b) The Continental Society of Bermuda

(c) The Rotary Clubs of Bermuda

(d) The Lions/Lioness Clubs of Bermuda

(e) The Kiwanis Club

(f) The Lady Cubitt Compassionate Association

(g) Young Life of Bermuda

(h) Big Brothers of Bermuda

(i) Big Sisters of Bermuda

(j) Teen services

(k) Local churches

59.3 In January 1995, the Government of Bermuda produced a Background Paper on Child Advocacy as a basis for consideration whether such an institution was appropriate for Bermuda. A copy of that paper is annexed to this report.

Publication of Convention and reports

60. Following the extension of the Convention to Bermuda, the text of the Convention was circulated to the above-mentioned ministries and department which have responsibilities for child related-matters.

61. It is intended to make copies of this report available to cabinet ministers, other members of the legislature, the Bermuda National Library, the Bermuda College Library and Bermuda Youth Library as soon as possible after the final draft of this report is completed.

Definition of the child

62. In Bermuda a person does not attain majority until the age of 21. However, other ages are relevant for certain legal purposes. For the purposes of the Criminal Code (The Criminal Code Act 1907), a "child" is a person under 16 years of age and a "young person" is someone between 16 and 21 years of age. Under the Protection of Children Act 1943, a child is defined as a person under the age of 17. Under the Domestic Violence (Protection Orders) Act 1997, a child is a person under the age of 18. The following other variations should be noted:

(a) The age of criminal responsibility (under which a child cannot be convicted of a criminal offence) is 8 years of age. A child under the age of 14 years may only be convicted of a criminal offence if it is proved that he knows the difference between right and wrong.

(b) Persons under 16 years of age are usually tried in a special court called the Children's Court, which has special powers and procedures appropriate for children.

(c) No court shall impose imprisonment on a child under 16. Section 6 (2) of the Young Offenders Act 1950 additionally imposes certain restrictions on the imprisonment of persons over 16 but under 18. But the Act does provide for detention for child offenders when convicted by the Supreme Court of an offence of murder, attempted murder, manslaughter or infanticide.

(d) Compulsory school under the Education Act 1996 is from the age of 5 to the end of the school year in which the child turns 16 years of age.

(e) The marriage Act 1944 makes void a marriage in which either party is under 16 years old, and there are provisions for requiring consent to marriage by persons under 21 years of age.

(f) The Criminal Code makes sexual intercourse with girls under 16 years of age an offence with or without that girl's consent.

(g) Under the Protection of Children Act 1943, any person under 17 years of age in need of care and protection may be taken into care.

General principles

Legislation

63. The principal laws which particularly concern children are:

(a) The Minors Act 1950, which provides for the guardianship and custody of minors by their parents and others and for the property of minors;

(b) The Protection of Children Act 1943, which provides for the protection of children under the age of 17;

(c) The Domestic Violence (Protection Orders) Act 1997; which makes further provision for the protection of children under the age of 18;

(d) The Adoption of Children Act 1963;

(e) The Education Act 1996, which provides for free and compulsory primary and secondary education;

(f) The Foster Homes Act 1960, which requires foster parents to be approved by the Director of Social Services and for the registration of foster homes;

(g) The Public Health (Day Nurseries and Nursery Schools) Regulations 1978 govern day care and nursery schools and require premises used for such purposes to be licensed and the persons in charge to be approved by the Minister;

(h) The Young Offenders Act 1950, which regulates the procedure in cases against children and young persons and the punishments which may be awarded;

(i) The Employment of Children and Young Persons Act 1963, which places restriction on the employment of all persons under the age of 18;

(j) The Liquor Licence Act 1974 makes it a criminal offence for the holder of a liquor licence to either sell liquor to a person under 18 years of age or permit such a person to consume alcohol on his licensed premises.

Discrimination

64. The laws of Bermuda which relate to children, and the services provided for children by the Bermuda Government, apply without any discrimination, whether on the grounds set out in Article 2 of the Convention or otherwise. Laws with specific anti-discrimination provisions include:

(a) The Bermuda Constitution, which provides for the protection of fundamental rights and freedoms of the individual and requires that no law shall make any provision either of itself or in its effect which is discriminatory on the grounds of race, place of origin, political opinion, colour or creed;

(b) The Human Rights Act 1981, which provides for the protection of all members of the community from acts of discrimination on the grounds of race, sex, place of origin, colour or ancestry, religious belief or political opinions, marital status, pregnancy or disability in the areas of employment, accommodation, the supply of goods facilities and services, contracts, public notices, membership of clubs, organizations or trade unions. Sexual harassment and reprisals are also prohibited under this Act;

(c) The Criminal Code, which provides for protection from harassment of a person on account of his race, colour, or place of origin, and prohibits intimidation of a person on account of the race, colour or place of origin of persons with whom he associates.

The best interests of the child

65. The laws which specifically require the courts or administrative bodies to have regard for the "best interests of the child" are:

(a) The Minors Act: Section 6 of the Act states that "in any proceedings before any court where the custody or upbringing of a minor, or the administration of any property belonging to or held in trust for a minor, or the application of the income thereof, is in question, the Court in deciding that question, shall regard the well-being of the minor as the first and paramount consideration ...";

(b) The Adoption of Children Act: Sections 8 (1) and (2) of the Act state that "Before making an adoption order, the court shall be satisfied that the order, if made, will be for the welfare of the infant and ... shall give due consideration to the wishes of the infant, having regard to his age and understanding";

(c) The Domestic Violence (Protection Orders) Act 1997 which requires that a court, in making a protection order in the case of a protected child, shall give the greatest weight to the welfare of the child;

(d) The Public Health (Day Nurseries and Nursery Schools) Regulations 1978: These regulations prescribe a detailed list of requirements and standards which are designed to ensure that the best interests of the child are safeguarded.

The right to life

66. The right to life is protected by the Bermuda Constitution. Section 2 states that "no person shall be deprived intentionally of his life save in execution of a sentence of a court in respect of a criminal offence which he has been convicted". The right to life is also protected by the criminal law.

Respect for the views of the child

67. The Bermuda Constitution and the laws relating to procedure in the courts provide for the right of children, in the same way as anyone else, to give evidence on their own behalf, to cross-examine witnesses and to address the court. Under the Adoption of Children Act, the court is required, before it makes an adoption order, to give "due consideration to the wishes of the infant, having regard to his age and understanding". Under the Domestic Violence (Protection Orders) Act 1997, where an application is made for a protection order in respect of a child, the court is required to take account of the views of the child to the extent that it thinks fit, having regard to the age and maturity of the child.

Civil rights and freedoms

Name and nationality

68. Under the Registration (Births and Deaths) Act 1949 the Registrar General is required to obtain the necessary information on every child born alive in Bermuda (including the name) and to enter the particulars of the child in the General Register of Births. Notification of birth must be posted or delivered to the Registrar General and the Chief Medical Officer within 48 hours of the birth.

69. A child born in Bermuda is a British Dependent Territories Citizen if, at the time of his birth, his father or mother is a British Dependent Territories Citizen or settled in Bermuda. If neither of the parents is so qualified at the time of the birth but subsequently become so qualified while the child is a minor, the child is entitled to be registered as a British Dependent Territories Citizen. Further, a child born in Bermuda and not otherwise such a citizen may apply to be

registered as a citizen after he attains the age of 10 if he has lived in the territory since the birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Preservation of identity

70. Under the Registration (Births and Deaths) Act 1949, no alteration or amendment may be made to a registered entry in the Register of Births without proper documentation and the approval of the Registrar General. Any change is made by an addition to the Register, not a deletion.

Freedom of expression and association

71. The protection of fundamental rights and freedoms of the individual are provided for in chapter 1 of the Bermuda Constitution. Sections 9 and 10 make specific provision for freedom of expression and association.

Access to appropriate information

72. The Youth Library offers special programmes for children and each school has its own library. Private radio and television companies established in Bermuda broadcast educational programmes that are aimed at children and their interests. The Government sponsors children's television programmes such as "The Learnalots" and "Sesame Street" and encourages newspapers to provide space for articles of interest to school children. Other television programmes dealing with local history and culture are also promoted by the Government.

Freedom of thought, conscience and religion

73. The protection of freedom of thought, conscience and religion is provided for in section 8 of the Bermuda Constitution. In schools where religious assemblies or education are provided, no child is required to attend if it is against his or her parents' will.

74. The Education Act 1996, which provides for collective worship in aided and maintained schools, stipulates that arrangements made for collective worship must provide for a single act of worship for pupils. However, if a parent requests that his or her child be excused from attendance, that request must be honoured. The parent may then make alternative arrangements for the child to worship, and permission will be granted as long as the period of worship will not interfere with the child's attendance at school, except at the beginning of the morning session or at the end of the afternoon session on a particular day.

Protection of privacy

75. Section 7 of the Bermuda Constitution provides a guarantee against arbitrary search of the person or property of any person.

Article 39 (a)

76. Section 3 of the Bermuda Constitution provides that "No person shall be subjected to torture or to inhuman or degrading treatment or punishment". A sentence of death may not be passed on a person who was under 18 at the time he was convicted of the relevant offence.

Family environment and alternative care

Parental guidance

77.1 The common law recognizes the responsibilities and rights of parents as regards the maintenance, protection and education of their children. The Department of Child and Family Services respects the principle that parents are the first and foremost persons responsible for their children. The Department's policy is to encourage and teach parents to exercise their responsibilities in an appropriate manner in an effort to meet their child's needs and its efforts to provide parent training and family programmes are geared to this end. Particular programmes are the Happy Valley Child Care Centre Programme, which provides child care for 40 children between the ages of three months and four years from various parts of the Island, and the Child Development Programme, which includes home-based services for children with speech and language difficulties and behavioural problems. Parents are encouraged to play an active role in both programmes.

77.2 Amendments to legislation are currently being drafted to reflect the balance between the child's rights and the parents' rights, and between the child's need and the parents' responsibilities.

Parental responsibilities

78.1 The responsibility of parents for their children (and others who have custody of children) is underlined by section 6 of the Protection of Children Act which provides as follows:

> "For the purpose of this section a parent or another person legally liable to maintain a child shall be deemed to have neglected the child in a manner likely to cause injury to the child's health if he fails to provide the child with adequate food, clothing, medical aid or lodging, or if otherwise having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under any Act relating to the relief of the poor; and a person who has the custody, charge or care of a child under the age of 10 years shall be deemed to have neglected the child in a manner likely to cause the child unnecessary suffering or injury to health if he leaves the child unattended for an unreasonable length of time without reasonable provision for the child's supervision or safety."

78.2 The Minors Act provides that the mother has the same rights as the father to apply to the Court for any matter affecting the minor. The Department of Child and Family Services recognizes the rights of both parents in relation to their children, and its activities and efforts are directed to that end. However, current legislation does not always give equal importance to the role and responsibility of each parent to raise a child. This is particularly evident with putative

fathers. Under the present laws, putative fathers are required to provide financial support for the maintenance of their children. However, in adoption matters, although their views must be sought, their rights are not generally considered equal to those of the mother. The Department and the Child Law Review Committee are proposing that the law should be amended to ensure that parents view the interests of the child as paramount and that the resolution by a court of issues affecting children shall be determined in accordance with the principle of best interests as well as taking into account the parents' responsibility to meet their children's needs.

Separation from parents and children deprived of a family environment

79. Children may not be separated from their parents against their will except on the orders of a Children's Court in which all parties are entitled to be present. The removal of a child from the family home, in the best interests of the child, is governed by the Young Offenders Act and the Protection of Children Act. Section 7 of the Protection of Children Act states that a child is deemed in need of care and protection when he is not receiving such care, protection and guidance as a good parent may reasonably be expected to give. Section 8 of the Act provides for the powers of the Children's Court when a child is brought before it as being a child in need of care and protection. The Court may remove the child from the family home and take it into care. Removing a child from the family and taking it into care is only done as a last resort.

80.1 Children placed outside of the home environment can be placed with family members, in foster care, or with an approved society. The minister has power under the Foster Homes Act to appoint "child protection visitors" to visit foster parents and foster homes. At present, it is an offence under the Foster Homes Act to pay a relative to take care of a child except in a registered foster home and unless the relative has a valid foster parent's permit. The Child Law Reform Committee is looking at ways that extended families can be encouraged to provide care for children so that they do not have to be removed from a familiar environment.

80.2 The Department of Child and Family Services operates residential care facilities for young people with serious emotional and behavioural problems, providing secure assessment, treatment (usually rehabilitative in nature), education from specialist teachers, and transition services. Two of the main objectives of specialist care programmes are to train the child in developing self-control and to give guidance on how to deal with the external environment. The programme has been expanded to include working with families, both individually and in groups, to enhance the family's ability to manage, and to integrate the child back into the family after an extended period of placement.

Family reunification

81. Family reunification is not seen as a problem in Bermuda.

Recovery of maintenance for the child

82. The following Acts contain provisions relating to the recovery of maintenance payments for children:

(a) The Maintenance Orders (Reciprocal Enforcement) Act 1974 provides for the transmission of maintenance orders made in Bermuda for enforcement in a reciprocating country and for the enforcement in Bermuda of such orders made in a reciprocating country.

(b) Under the Affiliation Act 1976, a woman may apply to the court for an affiliation order in respect of an illegitimate child, whether born or unborn, of which she is the mother and, after making an affiliation order, the court may require the putative father to make payments of:

(i) A sum of money weekly for the maintenance and education of the child;

(ii) Hospital confinement expenses;

(iii) Weekly sums of money as compensation for the mother's loss of earnings over a specified period of time.

(c) The Matrimonial Proceedings (Magistrates' Courts) Act 1974, provides for an application by a married woman or a married man to a magistrate's court for an order against the other party to the marriage for failure to provide such maintenance for the complainant or for any child of the family as is reasonable in the circumstances.

(d) The Adoption of Children Act 1963 contains, inter alia, a section relating to payments under affiliation orders.

Adoption

83. The Adoption of Children Act regulates the process of adoption in Bermuda. To protect and assist children who are the subjects of adoption proceedings, the court appoints a guardian ad litem. The guardian ad litem is required to investigate all the circumstances relevant to the proposed adoption with a view to safeguarding the interests of the child. Under section 8 (1) of the Act, the court must be satisfied that any adoption of a child will be for "the welfare of the infant".

84. Under the present law, adopted children do not have access to knowledge or information about their biological parents. Disclosure rights is an issue that is to be addressed in proposed amendments.

Illicit transfer and non-return of children

85. The Department of Child and Family Services has established a network of helping agencies around the world, through reciprocal arrangement with the International Social Services (ISS) organization. If the Department of Child and Family Services has a concern about a child, the ISS will investigate on its behalf. If ISS has concerns about a child in Bermuda, the Department will investigate the matter with a view to ensuring the care and protection of the child.

Abuse and neglect, including physical and psychological recovery and social reintegration

86. There are a number of provisions which are designed to protect children from abuse and neglect. The Minors Act contains various provisions for the treatment and care of minors, and under the Protection of Children Act, children deprived of their home environment are entitled to special protection and assistance. Part V of the Matrimonial Causes Act 1974 contains special provisions relating to the protection, custody, etc., of children in cases of divorce, etc., and for custody in cases of neglect. The Domestic Violence (Protection Orders) Act 1997 makes new provision for the protection of children and other family members against domestic violence.

87. Under the Protection of Children Act, the Department of Child and Family Services is authorized to intervene in cases of alleged neglect or ill treatment in order to safeguard the child and provide alternative care. As noted above, section 6 (3) of this Act provides that "a parent or another person legally liable to maintain a child shall be deemed to have neglected the child in a manner likely to cause injury to the child's health if he fails to provide the child with adequate food, clothing, medical aid, or lodging or if having been unable otherwise to provide such food, clothing, medical aid, or lodging he has failed to take steps to procure it to be provided under any Act relating to the relief of the poor; and a person who has custody, charge or care of a child under 10 years shall be deemed to have neglected the child in a manner likely to cause the child unnecessary suffering or injury to health if he leaves the child unattended for an unreasonable length of time without making reasonable provision for the child's supervision or safety".

88. Any children's officer or police officer having reasonable grounds for believing that a child is in need of care and protection or control may apprehend the child without warrant and bring him before a Children's Court which, if it sees fit, can order the child to be placed with an approved society or committed to the care of a fit person. Personnel in the Police Service undergo training relating to domestic violence, and plans are in place to develop a public awareness programme on the subject.

89. The Domestic Violence (Protection Orders) Act provides for an application to be made to a court for a protection order against a person using or threatening violence (physical, sexual or psychological abuse) against a child or other person ("the protected person") with whom he is in a domestic relationship. Domestic relationship is widely defined to include informal as well as formal relationships. The application may be made by a child or a person on his behalf. Among other things, a protection order may prohibit the respondent from using violence against the protected person, entering the protected person's place of residence, work or education, and may require the respondent to continue to carry out any legal obligations he may have entered into in respect of premises where the protected person is resident and to make payments for the protected person's food, housing or medical care. In certain cases a power of arrest may be attached to a protection order which would enable a police officer to arrest a respondent whom he suspects is in breach of the order.

Periodic review of placement

90. It is planned to provide provision for review of placement in amendments to the Protection of Children Act.

Basic health and welfare

Survival and development

91. In 1995, there were three deaths of infants under one year old and the infant mortality rate was 3.6 per 1,000 live births. The main causes of death were congenital anomalies and conditions originating in the perinatal period. Over the past 11 years, the infant mortality rate has ranged from a high of 13.5 in 1986 to 3.6 in 1995.

Immunization programmes

92. The incidence of vaccine-preventable diseases is low. The Government monitors all outbreaks of illness in Bermuda - influenza, meningitis, chicken pox, measles, etc. - and adopts preventative measures to contain them. The immunization programme, which is implemented throughout Government health and baby clinics and the school system, has been extremely effective in curtailing the spread of illness. Immunization against all five of the common preventable childhood diseases (measles, rubella, DPT, polio and mumps) has been maintained at consistently high levels.

Immunization statistics (1995)

DPT3 vaccination coverage	< 1 year old	93.7
OPV3 vaccination coverage	< 1 year old	90.7
Measles vaccination coverage	< 1 year old	80.5

Services for post-natal care and the visitation of very young children

93. Under its Child Development Project, the Department of Health, provides antenatal and post-natal care. The maternal and child-care programme involves visits to new mothers within 48 hours of giving birth and home visits to mothers and their newly born children two weeks after their discharge from hospital. The immunization programme is referred to in paragraph 92 above.

Disabled children

94. Special programmes are in place throughout the Government School system to address the needs of disabled schoolchildren. The Orange Valley School in Devonshire provides specialist services for severely handicapped children.

Health services

95. The health care system in Bermuda is made up of both private and public sectors. Primary health care services are delivered from private physicians' offices, Government health centres and hospital outpatient clinics. Additionally, ambulatory care services are provided through special clinics and the emergency room at the hospital.

96. Responsibility for providing public health services rests with the Department of Health which operates under the aegis of the Ministry of Health and Social Services. The public health service is substantially involved in providing personal health services and administers a number of traditional public health programmes, which include:

Maternal and child health

School health

Immunization

Communicable disease control

Home health care (health visiting, district nursing and select specialized care)

Rehabilitation health education and health promotion programmes.

Public health services, funded through general Government revenues, are generally free or provided at a modest cost.

97. The delivery of public health services is facilitated by the division of Bermuda into three health regions. The Department of Health operates a health centre (clinic) in each of these regions, offering antenatal care, family planning services, child health and other primary care services as well as dental clinics for children. Among approximately 94 physicians practising in Bermuda, five specialize in obstetrics/gynaecology, and five in paediatrics, 25 are in general/family practice. Specialized dentistry, i.e. periodontics, orthodontics, etc., is available.

Hospitals

98. Hospitalization is provided free of charge to children. This is covered through a government subsidy to the Bermuda Hospitals Board, a body which is appointed by Government and which operates the two acute care hospitals on the Island: the King Edward VII Memorial Hospital, a general (community) hospital with 236 beds, and St. Brendan's Hospital, a psychiatric hospital with 123 beds. The general hospital provides diagnostic and treatment services for patients and a variety of medical conditions (surgical and non-surgical). Services include: Medicine, Surgery, Paediatrics, Obstetrics and Gynaecology, Rehabilitation and Geriatrics. In addition, the hospital provides some specialized and intensive services, including Oncology, Medical and Surgical Intensive Care, and Renal Dialysis. A Neonatal Care Unit is also being developed.

Mental care services

99. Mental health services are provided by psychiatrists, psychologists, a psychiatric social worker and mental welfare officers attached to St. Brendan's Hospital, which provided care and treatment for both mentally ill and mentally handicapped individuals. With the exception of one psychiatrist in private practice, all of the consultant psychiatrists on the Island are employed by the Bermuda Hospitals Board on a salaried basis. There is at present only one psychiatrist

employed in the public service to deal with the psychiatric problems of young children and adolescents. Many of the problems being addressed by the Department of Child and Family Services relate to parent/child relationships and behavioural issues. Counselling services are provided where needed.

School and other health services for children

100. Health services provided in the schools are varied. All school students are given a comprehensive medical assessment at the beginning and at the end of their school careers. That assessment would include hearing and eyesight testing, weight and height measurements, heart rate, blood pressure, etc., and in every case a qualified physician would be in attendance. Before the assessment can take place, parental or guardian approval is required, and the option of choosing another physician outside of the school programme is offered to those who are prepared to bear the expense of such an assessment. A comprehensive record of the medical and dental histories of all school children is maintained for reference and diagnostic purposes.

101. The Government also provides blood and urine testing for those students who, at the end of their schooling in Bermuda, intend to further their education at overseas institutions which require the results of such testing.

102. With respect to dental care, a fluoride treatment programme has been in effect in the schools for several years. Dental care and treatment is available on an appointment basis at the Government clinics for children up to 16 years of age.

Social security and standards of living

103. The Department of Financial Assistance provides financial support through its housing and social assistance programmes and for day care. Housing assistance provides financial assistance for accommodation for persons whose rents exceed 25 per cent of their incomes. The object is to ensure that individuals with low incomes are not disadvantaged in finding reasonable accommodation. Social assistance involves the determination of a person's essential needs and the provision of the means to acquire shelter, food, utilities and other selected items or services as circumstances dictate, again with the object of ensuring that persons with inadequate incomes do not suffer social deprivation and are provided with the opportunity to live a normal life. Special emphasis is placed on individuals considered to be at risk, such as the aged, children, the mentally and physically ill, and the disabled.

104. Any family which cannot provide its children with day care while the parents work because of financial limitations is eligible to receive Government-subsidized day care or financial aid for private sector day care social assistance.

105. The Bermuda Government currently operates one day care centre on the Island. The Day Care Centre was established in 1971 for the purpose of providing a model for other day care facilities and to provide day care for special needs families in the densely populated Pembroke Parish area. The Day Care Centre maintains its role as a model centre, but provides child care for the whole community. The Centre provides care for children at risk and for families who can

benefit from its structured, supportive programme. It offers a structured curriculum for the children, and support and interventions for the family. It also provides a laboratory setting for local college students enrolled in child development classes.

106. The Day Care Centre caters to 42 children from 3 months to 4 years of age with varying needs and includes children with special needs. Preference is given to children who have been referred by other Government helping services (e.g. Family Services, Health Department, Teen Services, etc.). The Department of Child and Family Services attempts to balance the mix of needs of the children to promote the social, intellectual and emotional development of each child in the Centre.

Education, leisure and cultural activities

Schools

107. In accordance with the Education Act 1996, the Minister of Education exercises control and supervision over the organization and activities of all government-aided and government-maintained schools. The Minister has the responsibility for making the rules for the registration of private schools. Education is compulsory and free from the age of 5 to the end of the school year when the child turns 16. As of September 1997, the levels of schooling were primary, middle and senior. The Minister of Education will provide the inclusion of such of the following subjects as is deemed appropriate for pupils at each level of schooling: business studies, design and technology, family studies, fine arts, foreign language, information technology, language arts, mathematics, performing arts, physical and health education, science and social studies. The curriculum will specify for each subject the programmes of study, the outcome and the assessment arrangements. There is provision also for the operation of government pre-schools for 3- and 4-year old pupils.

108. Currently, schools are categorized as follows:

Public		Teachers		Pupils	
		(Male)	(Female)	(Male)	(Female)
Pre-schools	12	None	51	217	235
Primary	18	41	321	2 098	2 039
Secondary	6	79	138	1 151	1 040
Special	3	1	15	31	27

Private		Teachers		Pupils	
		(Male)	(Female)	(Male)	(Female)
Pre-schools	----------	----------	--- no data ---	----------	----------
Primary	8	16	100	885	863
Secondary	6	65	73	645	819
Special	----------	----------	---- none ----	----------	----------

Higher education

109. Bermuda College provides full and part-time education and training for persons over compulsory school age. In addition there are the following award schemes:

The Bermuda Government Scholarships Act 1996. Eight scholarships are awarded annually to Bermudan students possessing outstanding academic records. This award is intended for study at an approved educational institution outside Bermuda for a maximum of three years. The applicant should be not less than 17 years of age nor more than 23 years of age on 1 October in the year of the award. The current value of the scholarship is BD$ 12,500 per annum.

Bermuda Government Teacher Training Awards. Six awards at a value of BD$ 7,500 each per year are usually provided for students who wish to enter the teaching profession and who are studying outside Bermuda in subject areas which are particularly valuable to the education system. Competition for these awards is great and participants must agree to be bonded to teach for a period equal to that granted by the award, usually two years.

Bermuda Government Further Education Awards and Interest-Free Student Loans. The value of these awards ranges from BD$ 1,000 to BD$ 5,000 per year. Bermudan students who have graduated with an associate degree from Bermuda College, have successfully completed two years of an academic programme at an approved college/university abroad, or are pursuing a course of study at a technical institution abroad because the course is not available at Bermuda College, may apply for these grants. The applicant must demonstrate financial need in addition to fulfilling other stated requirements. The loan recipient must undertake to begin repayment of the loan 12 months after completion of his studies.

UK (United Kingdom) Fee Differential. Overseas students studying in the United Kingdom are normally charged higher fees than those which United Kingdom residents are charged. Eligible Bermudans may apply for all or part of the fee differential, that is, the difference in fees paid by Bermudan students and their United Kingdom counterparts.

Training

110. The Apprenticeship and Training Act 1971 provides for a Council comprising three representatives of employers' organizations, three representatives of employees' organizations and three public officers which is charged to take such measures as are needed to ensure the provision of an adequate number of skilled or qualified persons in industry and to ensure that these persons attain adequate standards of competence. The Council must seek to ensure that courses and other facilities are made available for the training of persons in industry and may issue certificates to those persons who have attained standards it has recommended.

Type and number of courses operated under the Apprenticeship and Training Act, 1971 for the calendar year 1997

Apprentices

Job training area	No. of Bermudan Apprentices
Landscaping/Horticulture	11
Automotive mechanic	14
Electrical Supply & distribution	15
Air-conditioning and refrigeration	4
Carpentry	1
Hairdressing	2
Masonry	1
Plumbing	2
Electrical installation	3
Total	53

Areas of certification	No. of certificates issued
Autobody	2
Autopaint	2
Autocycle mechanic	14
Automotive mechanic	10
Electrical installer	3
Masonry	10
Plumbing	16
Air-conditioning and refrigeration	9
Total	66

Truancy

111. Under the provisions of the Education Act, it is the parents' responsibility to ensure the regular attendance at school of their children of compulsory school age who are enrolled in a recognized school. If a parent fails in this respect, he commits an offence against the Act. Should it appear to a court of law that a child is a persistent truant and is beyond the control of a parent, whether the parent is convicted or not, the court may direct that the child (under the age of 17) be brought before a Children's Court and be remanded to an approved society (home) pending his court appearance.

Aims of education

112. The mission of the Ministry of Education is the exercise of leadership which ensures that:

(a) Goals are set for the system;

(b) Planning flows consistently from these goals;

(c) Adequate resources, including financial, material, technical and human, are provided for the effective management and operation of schools; and

(d) An effective process is established for assessing the feasibility of plans, monitoring the achievement of goals and for holding personnel at all levels accountable for carrying out their responsibilities.

A copy of the Secondary School Certificate Programme is annexed to this report.

Leisure and cultural activities

113. The programmes of the Ministry of Youth Development, Sport and Recreation involving youth include the following:

(a) Grants and loans to sport organizations, voluntary organizations and clubs, Leisure Time Activities Book;

(b) Youth Parliament Activities. High school students learn about Parliament, legislation, debating;

(c) Youth theatre, dance and music. Annual Summer Production;

(d) Sports Awards Programme. Recognizes performances, administration, coaching, sponsorship, etc.;

(e) Annual Heritage Day (24th May) activities. Celebration of cultural and sporting heritage;

(f) Annual Youth Talent Search and Performance. Summer Family Day, and

(g) Sponsorship of Youth Television Productions. Youth Talk, Fast Forward.

114. The Ministry of Youth Development, Sport and Recreation:

(a) Operates, maintains and administers three community centres that provide a range of services, including after school care, sports, cultural, camping, self-defence classes, Duke of Edinburgh Award Scheme, St. John's Badger Programme, free legal and consumer advice, and youth leadership development programmes;

(b) Operates, maintains and administers five camping sites for school and community use;

(c) Provides camping leadership development programmes and overnight camping experience for young people;

(d) Offers summer day care services on school premises for children aged 5 to 12 for eight weeks during summer school recess;

(e) Offers Teen Camp Services, involving a variety of programmes directed specifically at teenagers aged 13 to 15 and training programmes for potential leaders of leisure activities, including senior secondary, college and university students;

(f) Offers After School Care during the school year (September to June) in 12 government schools from 3 p.m. to 6 p.m., which is designed to assist working parents/guardians. Programmes include homework/study assistance, arts and crafts, cultural activities, sports and recreation.

115. The Department of Cultural Affairs under the Ministry of Community and Cultural Affairs sponsors a monthly half hour television programme called "The Learnalots", featuring a group of seven children aged 7 to 12. This programme's goal is to familiarize children with many work settings and Bermudan people in order to attain a greater respect for Bermuda's culture and work environment.

116. The Ministry of Community and Cultural Affairs offers a Community Education Development Programme (vocational programmes/courses) at five locations. Programmes/courses in leisure, sports and culture for children and teenagers are as follows:

(a) Beginners sewing (age 12-16).

(b) Advanced sewing (age 12-16).

(c) Charm classes. Designed to give common sense information on correct social behaviour and guidelines for proper etiquette, manners and poise. (Boys and girls age 5-12).

(d) Children's gymnastics - boys and girls experience the beauty of human motion through the art of gymnastics, tumbling, balance beam, pommel horse, rings and uneven bars.

(e) Beginners tennis for children (age 6-14). Learn basics such as forehand, backhand, serve and volley.

(f) Hip Hop dancing. Learn basic styles and movements of Hip Hop dance to the latest musical hits.

(g) Aerobics for kids (age 5-10). Learn simple animated animal movements to a playful blend of aerobic workouts.

(h) Bowling for fun. Basics of bowling, how to hold a ball, which finger to put into ball, and the five step approach to delivery of the ball.

(i) Martial arts (age 5-12). Traditional and basic techniques of self-defence, coordination and discipline.

(j) French for fun (age 5-12). Learn basic numbers, words and phrases of everyday conversational French, a fun environment to develop a flair and style for speaking, reading and understanding spoken French.

(k) French for fun (age 12-16). Constructing short sentences, building upon phrases learned in previous classes for everyday conversation in French.

(l) Sign language for fun. Learn alphabet and basic sign language to carry on a single conversation for understanding.

(m) Computer exploration for kids (age 6-11). Lots of hands-on, practical experience exploring various computer applications and activities on Macintosh.

(n) Children's cooking for fun (age 10+). Learn how to plan, read recipes, measure and serve nutritious meals.

(o) Beginners' junior golf (age 7-16). Introduction to game of golf.

(p) Kid ventures (age 7-13). Learn through a multi-sensory approach and participation, gathering first-hand information of facts and figures about a variety of education and historical places in Bermuda through fun-filled excursions.

(q) Tai-Chi-Chuan (age 11+). Relieves stress and promotes total relaxation and good health - inner and outer body (Tai-Chi-Chuan, meditation Fa-Jing, Chan-Su-Chin, Fa-Jing, Hen-Haw breathing, Tai-Chi ruler, push hand and application).

(r) Squash for Kids. Basic techniques and rules of squash, eye-hand coordination practised in fun environment.

(s) Year Round Cricket. Development of youth league cricket players; experience coaching of theory and practice of skills and technique.

(t) Year Round Soccer. Development of youth league soccer; experience coaching of theory and practice of skills and technique.

Special protection measures

Children in conflict with the law

117. The guarantees set out in article 40.2 of the Convention are secured for children, as for everyone else, by section 6 of the Bermuda Constitution. The age of criminal responsibility is noted at paragraph 8 above. The Young Offenders Act makes special provisions respecting the arrest and detention of children, especially separate custody from adults. The Court dealing with children is the Special Children's Court under the Magistrates Act as read with the Young Offenders Act. The sentences that may be passed on a child include:

(a) Probation;

(b) Conditional discharge;

(c) Order for parent or guardian to give security for a child's good behaviour;

(d) Committal of child under the provisions of the Protection of Children Act to an Approved Society.

The law also provides for whipping, but that form of punishment has not been imposed by the court for many years.

Children in situations of exploitation

118. Mention has been made in paragraphs 86 to 88 above of the Protection of Children Act and the powers of the Department of Child and Family Services under it in the case of neglect of children. Under section 7 of the Act the powers of the Department extend to children who fall into bad association with others or who are exposed to moral danger by reason of e.g., incest or prostitution, frequenting the company of a reputed thief, begging or receiving alms, buying, receiving or possessing a drug, or frequenting a public bar. The Department is required to intervene to promote the care and protection of the child.

Employment

119. Under the Employment of Children and Young Persons Act 1963:

(a) a child under the age of 13 may not be employed except for light work of an agricultural, horticultural or domestic character where the parent or guardian is the employer or to transport by hand of a light nature;

(b) a child of compulsory school age may not be employed during school hours or for more than two hours on school days;

(c) a child under the age of 15 may not be employed in an industrial undertaking, or in a vessel, other than a vessel in which only members of his family are employed;

(d) a child under the age of 18 may not be employed at night.

Alcohol and drugs

120. The 1994 National Drug Commission Secondary School Drug Survey revealed that 15 per cent of Bermuda's school students reported being drunk at least once a month; 40 per cent reported having had their first drink at the age of 10; 28 per cent had used marijuana at least once; 75 per cent of those who had tried marijuana had done so by the age of 14; and 15 per cent reported frequent use of the drug over the course of a month. Less than 2 per cent of students reported using cocaine. However, heroin use amongst young people is reported to be slightly above 2 per cent. A significant finding in the Secondary School Survey was the clear relationship between individual student drug use and household drug use.

Over 54 per cent of students who report regular use of marijuana state that marijuana is frequently used by family members within the household.

121. The National Drug Commission's long-term goals are to promote the reduction of chemical dependency and foster healthy lifestyle choices within the community; the function of educating young people seeks to facilitate the awareness of substance abuse and its related harm among Bermuda's young people; and to promote and support the implementation of the Life Skills programme and other appropriate drug education throughout middle and secondary school levels. These programmes are linked to others provided by the Ministry of Education, Lion's Quest, parent organizations, the Ministry of Youth Development, Sport and Recreation, the Child Adolescent Project, the After-School Programme, and the Child Development Project.

122. The most recent programme, which was established early in 1998, is an Addictions Outpatient Treatment Programme to be known as the Bermuda Youth Counselling Services. Programmes are aimed at young people between 10 and 15 and 16 and 24 who may be at high risk in experimenting with alcohol or drugs. Those who attend the programmes are assessed to determine the nature and extent of their problems and then treatment is advised. Support options, referrals, counselling are included in the programmes, which run for six weeks. After care for a period of six months is also available.

Sexual exploitation and abuse

123. The Department of Child and Family Services has developed procedures with the Department of Education for use in the school system and with other helping services to encourage the reporting of sexual abuse and exploitation. To date protocols have been established with the Police, Health Department and the Child Development Programme for the reporting of abuse. However, as there is currently no mandatory reporting of abuse, the Department of Child and Family Services is not confident that all cases of sexual exploitation and sexual abuse are being addressed. Mandatory reporting is supported by the Child Law Reform Committee, and the Task Force on Child Abuse has recommended that legislation be enacted to require those who are by virtue of their professional qualifications and work with children, or because of their daily relationship with children, to report reasonable grounds of suspicion of child abuse to the Department of Child and Family Services.

124. Treatment for sexual abuse victims is not provided for in current legislation. The Task Force on Child Abuse recommended that victims of abuse be given the "highest priority for therapy". Proposed amendments to the legislation will also include references to child prostitution and exploitation of children in pornographic performances which are not at present spelled out in detail in the legislation.

125. The criminal law makes provision for sexual offences against children and young persons. The Obscene Publications Act 1973 makes it an offence to "publish an obscene article to, or in the presence of, a person under the age of 16 years".

Abduction and sale of children

126. Allegations of the abduction of Bermudan children are investigated by the Department of Child and Family Services working with sister agencies to determine, even though the child may not be in Bermuda's jurisdiction, whether abduction has occurred or to ensure the care and protection of the child if abduction is not an issue. The Cabinet recently approved the introduction of a bill entitled "The International Child Abduction Act 1998" into the Legislature. It is anticipated that the bill will become law in the early summer of 1998. The bill, which is based on the Child Abduction and Custody Act 1985 of the United Kingdom, will enable the Hague Convention on the Civil Aspects of International Child Abduction to be extended to Bermuda.

127. The sale of children is not an issue that has presented itself. However, to protect against this, any non-Bermudan child who is brought into Bermuda for the purposes of adoption or residency must be the subject of an immigration pre-entry study. The study is done at the request of the Department of Immigration. The Government of Bermuda can thus ensure that children brought into the country are brought in for legitimate purposes; and also that no child finds himself in a position where he is required to carry out any illegal or immoral activity as a result of the transfer of residence.

128. Under section 17 of the Protection of Children Act, any child who has been committed to the care of an approved society or fit person shall not be taken or sent out of Bermuda without application to, and approval of, the Children's Court. The taking or sending of children under 16 out of Bermuda is also regulated under section 22 of the Minors Act.

Annexes

129.1 The following laws are annexed to this report:

Adoption of Children Act 1963

Bermuda Government Scholarships Act 1996

Domestic Violence (Protection Orders) Act 1997

Education Act 1996

Employment of Children and Young Persons Act 1963

Foster Homes Act 1960

Maintenance Orders (Reciprocal Enforcement) Act 1974

Matrimonial Proceedings (Magistrates Courts) Act 1974

Minors Act 1950

Obscene Publications Act 1973

Protection of Children Act 1943

Public Health (Day Nurseries and Nursery Schools) Regulations 1978

Young Offenders Act 1950

129.2 The following papers are also annexed:

Background Paper on Child Advocacy

The Report of the Task Force on Child Abuse (April 1996)

Guide to the Bermuda Secondary School Certificate Programme.

June 1998

BRITISH VIRGIN ISLANDS

Introduction

130. The Convention on the Rights of the Child was extended to the British Virgin Islands on 7 September 1994.

131. Information relating to the British Virgin Islands is set out in annex III to the core document submitted by the United Kingdom of Great Britain and Northern Ireland in respect of Overseas Department Territories and Crown Dependencies on 14 September 1995 (HRI/CORE/1/Add.62). The following changes to the information in that Annex should be noted: the rate of inflation at the end of 1996 was 4.33 per cent and the external debt was thirty five million, eight hundred thousand United States dollars ($35,800,000.00).

General measures of implementation

Responsible authorities

132.1 The Departments of the Government of the British Virgin Islands responsible for matters relating to children are:

(a) Education and Culture;

(b) Community Health;

(c) Social Development;

(d) Youth, Sports and Recreation; and

(e) Police.

132.2 Under the sponsorship of the Community Health Department, the Mental Health Division manages a Special Needs Programme called Care Givers of Children with Special Needs. The object of the Programme is to:

(a) Provide support and training for parents and care givers of individuals with disabilities;

(b) Assist in sensitizing the community to issues related to special needs;

(c) Serve as advocates for the promotion of improved care and services for persons with disabilities.

The group of Care Givers of Children with Special Needs is comprised of parents, teachers and guardians as well as individuals who have a special interest in and are committed to promoting the cause of persons who have special needs. Included in the group are 22 parents/guardians, 7 teachers, 2 guidance counsellors, 2 nurses, a social worker and a representative each of the Tortola Ladies' Club and the Friends of Fort Charlotte School. The Care Givers of Children with Special Needs meet one Tuesday in each month. See further at paragraph 92.

Publication of Convention and reports

133. Following the extension of the Convention to the British Virgin Islands, the text of the Convention was circulated to departments with responsibilities for child-related matters and to the Attorney-General's chambers. The text was also made available for members of the Legislative Council and in the Public Library at Road Town.

134. It is intended to make copies of this report available in the Public Library and to lay it on the table in the Legislative Council.

Definition of the child

135. In general terms, an individual attains full age with civil rights, at 18 (Age of Majority Act 1994) and a person under that age may be described as a minor. Under that age, section 2 of the Juvenile Act defines:

(a) A "child" as anyone under the age of 14; and

(b) A "young person" as a person who has attained the age of 14 and is under the age of 16.

The Magistrate's Code of Procedure also makes a distinction between a child and a young person at the same ages. However, under the Labour Code a young person is someone who has attained the age of 14 but not attained the age of 18. Under the Juvenile Act, a "juvenile" is defined as a person under the age of 16. Other ages are relevant for certain legal purposes.

Criminal law

136. (a) The age of criminal responsibility under which a child cannot be convicted of a criminal offence is 10 years. A child over that age but under the age of 14 years may only be

convicted of a criminal offence if it is proved that he had the capacity to know that he ought not to do the act or make the omission. A male child under the age of 12 is presumed to be incapable of having carnal knowledge (Criminal Code, section 12).

(b) Unless charged together with a person who is not a juvenile, juveniles are tried in a special court called the Juvenile Court (consisting of a magistrate sitting with two assessors), which has special powers and procedures appropriate to children.

Compulsory school age

137. "A person shall be deemed to be of compulsory school age if he has attained the age of 5 years and has not attained the age of 15 years." (Education Ordinance, section 36.)

Age when marriage is permitted with or without parental consent

138. Marriage solemnized between persons either of whom is under the age of 16 is null and void (Marriage Act, section 24 A). Where either of the parties, not being a widower or widow, is under the age of 18, no marriage shall take place between them without the consent of the parent or guardian or the consent of the Governor or High Court, if the parent or guardian is not available or does not give consent (Marriage Act, section 25 (1) and (2)).

Ages to which restrictions on employment apply

139. (a) No child (a person under the age of 14) shall be employed or shall work in any public or private agricultural or industrial undertaking, or in any branch thereof, or, on any ship, other than an undertaking or on a ship on which only members of the same family are employed, and any person who employs any child or permits him to work in contravention of this provision is guilty of an offence (Labour Code, Part 5, E 3).

(b) No young person (a person over the age of 14 and under the age of 18) shall be employed unless he has been found fit for work after a thorough medical inspection and he is subject to medical supervision during his employment. Nor may he be employed, while of compulsory school age, during school hours. There are also restrictions on night work (Labour Code, E 5).

Consent to medical treatment

140. The age at which a minor may consent to medical or dental treatment without parental consent is 16 (Age of Majority Act, section 13).

General principles

Legislation

141. The principal legislation which particularly concerns children is:

(a) Guardianship of Infants Act, Cap. 270

(b) Matrimonial Proceedings and Property Act 1995

(c) Legitimacy Act, 1991, Cap. 271

(d) Domestic Violence (Summary Proceedings) Act 1996

(e) Adoption of Children Act, Cap. 269

(f) Education Ordinance, Cap. 116

(g) Criminal Code, 1997

(h) Juvenile Act, Cap. 37

(i) Juvenile Court Act, Cap. 38.

Discrimination

142. The laws of the Virgin Islands which relate to children and the services provided for children by the Government apply without any discrimination, whether on the grounds set out in article 2 of the Convention or otherwise. The Education Ordinance, section 5, specifically states that "No child shall be refused admission to any Government or assisted school on account of the religious persuasion, race or language of such a person or either of his parents".

The best interest of the child

143. Various laws make specific provision for the protection of the interests of persons under the age of 18.

(a) Where in any proceeding before any court the custody or upbringing of a minor (i.e. a person under the age of 18), or the administration of any property belonging to or held on trust for a minor, or the application of the income thereof, as in question, "the Court, in deciding that question, shall regard the welfare of the [minor] as the first and paramount consideration, and shall not take into consideration ... the claim of the father ... or the claim of the mother" (Guardianship of Infants Act, section 3).

(b) Under section 4 of the Juvenile Act, every court in dealing with a juvenile brought before it as being in need of care and attention or as an offender or otherwise, shall have regard to the welfare of the juvenile.

(c) Under section 43 of the Matrimonial Proceedings and Property Act, the court shall not usually make an order for divorce, nullity or judicial separation unless satisfied with the arrangements made for every minor child of the marriage.

(d) Under section 4 of the Adoption of Children Act, an adoption order will only be made if the court is satisfied that the adoption order "will be for the welfare of the child".

The right to life

144. The right to life is protected by the Criminal Code, 1997. The fundamental right to life is also afforded protection by the common law and by the application of conventions such as the Convention for the Protection of Human Rights and Fundamental Freedoms. The death penalty has been abolished by the Caribbean Territories (Abolition of Death Penalty for Murder) Order 1991 (S.I. No. 988 of 1991) in respect of the crime of murder.

Respect for the views of the child

145. Under the Adoption of Children Act, the court, in making an Order is required to have due consideration "to the wishes of the infant, having regard to the age and understanding of the infant". The views of juveniles are acceptable in court, either as testimony or in the form of an admission of their evidence or deposition.

Civil rights and freedoms

Name and nationality

146. Under section 14 (1) of the Registration of Births and Deaths Ordinance: "The father and mother of every child born, and in default of the father and mother, the occupier of the house or tenement in which the child is born, or any person present at birth, or the person having charge of the child, shall give to the Registrar, within 21 days next after the birth, information of the particulars required to be registered concerning such birth and in the presence of the Registrar shall sign the register."

147. A child born in the British Virgin Islands is a British Dependent Territories citizen if, at the time of his birth, his father or mother is a British Dependent Territories citizen or settled in the British Virgin Islands. If neither of the parents is so qualified at the time of the birth, but subsequently become so qualified while the child is a minor, the child is entitled to be registered as a British Dependent Territories Citizen. Further, a child born in the British Virgin Islands and not otherwise such a citizen is entitled to be registered as a citizen after he attains the age of 10 if he has lived in the territory since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Freedom of expression and association

148. It is a principle of law that a person, including a child, is entitled to do anything unless it is specifically forbidden by law. Accordingly, a child has the rights set out in articles 13 and 15 of the Convention, subject only to the restrictions prescribed by law as recognized in those articles and to the responsibilities of the parents as recognized in article 18.

Access to appropriate information

149.1 There is a public library in the capital city, Road Town, and branch outlets at East End in Tortola and on the island of Virgin Gorda, Jost Van Dyke and Anegada. There are also school

libraries in all government primary and secondary schools. The Library Services Department offer services and educational programmes aimed at the child. These include:

Programme	Age range	Activities
Tiny tots programme	1 - 5	Brooks, educational toys and games, computer software
Children's lending services	6 - 13	Books, magazines (e.g., cricket, National Geographic World, Ranger Rick reference services), story hour and competitions during Easter and Christmas breaks, the annual summer programme which includes the following activities: - Art and crafts - Creative arts - Environmental topics - Field trips to educational, social and civic organizations - Sports
Young adult services		Books, magazines (Seventeen, Young Miss, National Geographic) Annual summer programme which includes the following activities: (Same as above plus sailing, swimming etc.) Research assistance with Homework/Class assignments
Special craft/story hour programme once a week at the Eslyn Henley-Richiez school		For the physically/mentally challenged children of all ages

149.2 ZBVI Radio Station has a one-hour educational programme on each Saturday morning from 9-10 a.m., called, "Knowledge is power". This is aimed at the child and includes religious and civic activities, quizzes and general knowledge activities for children. The Education Department also provides radio-based programmes/quizzes in general knowledge, mathematics and spelling for primary school children in class four (about age 10) and for children in the high schools.

149.3 There is no television programme at the local radio stations which is geared specifically to children. However, children have access to many Americanized television stations where they watch educational children's programmes.

149.4 The Criminal Code 1997 enables the Governor in Council to prohibit the import of publications which are contrary to the public interest. This would include pornography and other

material that is unsuitable for children. The sale, distribution or reproduction of any publication so prohibited is a criminal offence (Criminal Code Part III, sections 49 and 50).

Freedom of thought, conscience and religion

150. Every person in the Virgin Islands has the right to freedom of thought and conscience and religious freedom, subject only to the limitations prescribed by law as recognized by article 14 and subject to the rights of parents to provide guidance. The Education Act provides that worship in schools should be Christian in character, but not distinctive to denominational doctrine. A pupil may be withdrawn by his parents or guardian from such act of worship without forfeiting any of the other benefits of the school.

Protection of privacy

151. The Telecommunications Act (Cap. 171) provides that any person who, without authority, intercepts any telecommunication not intended for the general public and discloses or makes use of the contents commits an offence. There is no other specific legislative provision protecting privacy in the islands, though the law of trespass provides a measure of protection against unwanted intrusion.

The right not to be subject to torture or cruel, inhuman or degrading treatment or punishment

152. The United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment extends to the British Virgin Islands and is given effect to in law by the Criminal Justice Act, 1988 (Torture) (Overseas Territories) Order, 1988 (S.I. 1988 No. 2242).

Family environment and alternative care

Parental guidance

153. The common law recognizes the responsibilities and rights of parents for the maintenance, protection and education of their children. Parents may not be deprived of the care and custody of their children except on the order of the Court (see paragraph 26 below) and under the Guardianship of Infants Act, a mother has the same right to apply to the court for guardianship as a father. Adoptive parents and legal guardians have the same responsibilities and rights as natural parents.

Parental responsibilities

154. Under the Juvenile Act, a parent or other person who is legally liable to maintain a juvenile is deemed to have neglected the juvenile if he fails to provide him with adequate food, clothing, rest, medical aid and lodging. Under the Matrimonial Proceedings and Property Act the court may, on proceedings for divorce, nullity or judicial separation, make orders for financial provision of children and for the transfer and settlement of property for the benefit of children. The Court is required to take into consideration the financial needs and condition of children (including physical or mental disability), the income of the child, the standard of living of the family before the breakdown of the marriage and the expectations of the parties to the

marriage for the education or training of the child. The object of this provision is to place the child, so far as is practicable, in the same financial position as if the marriage had not broken down and to determine the amount of maintenance payments or lump sum payment to be made for the children under 18 of the marriage. The court may also make an order for the custody and education of such children of the marriage under the age of 18.

155. The Education Ordinance, sections 38 and 39, provides that it is the duty of the parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability and aptitude by regular attendance at school. However, a child may be excused from attendance at school if he receives satisfactory instruction at home or elsewhere, or if he is ill, for temporary or other valid reason.

Separation from parents and children deprived of a family environment

156.1 Provision is made in the Juvenile Act, section 7 (1), for removing a child from his parents if the juvenile has been assaulted, or ill-treated. The Magistrate may "issue a warrant authorizing any police officer to search for the juvenile ... and remove the juvenile to a place of safety ..."; (see also paragraph 163 below).

156.2 The Rainbow Home for Children was opened and declared a statutory place of safety in 1997 with the following objectives:

(a) To provide a place of safety for children who have been judged by the courts to be in need of care and protection;

(b) To provide a temporary place of safety for children in crisis situations;

(c) To provide a therapeutic environment of care, love, protection, education and guidance to abused children during the formative years from infancy to 16 years of age, helping them to become responsible, productive adults;

(d) Not to replace the normal maternal/paternal home environment of the child or the Foster Care Programme but to complement both;

(e) To seek to protect children from unfavourable and abusive situations at home, when parents fail to meet their obligations and circumstances are not conducive to the child's proper growth and development, for instance, in cases when:

(i) Young mothers have dropped out of school and cannot provide financial support to children;

(ii) Children are disowned by their fathers;

(iii) Children live in poor housing conditions;

(iv) Children have poor diets;

(v) Children are left to fend for themselves;

(vi) Children do not progress in school and develop undesirable social and delinquent habits.

The Ministry of Health and Welfare and the Social Development Department are responsible for its administration and inspection.

Family reunification

157. There is no restriction on persons bringing their children with them to the Virgin Islands if they are able to support them.

Recovery of maintenance for the child

158. The Magistrates Code of Procedure Act makes provision for a woman to establish paternity of a child and to obtain an order for maintenance of the child from the putative father. See also paragraph 154 above for the provision which may be made for children in matrimonial proceedings.

Adoption

159. The relevant legislation is the Adoption of Children Act. The general effect of the law is that an adoptive parent (i.e. a person authorized to adopt an infant) must be over 21 years and may be a single or married person. Where an application for an adoption order is made by two spouses jointly, the court may make the order authorizing the two spouses jointly to adopt. No order, save the aforesaid, shall be made authorizing more than one person to adopt an infant (a person under 18 years). Reference is also made to the requirements, noted at paragraphs 143 and 145 above that the court shall be satisfied that the adoption is for the welfare of the child and shall take into consideration his wishes.

Illicit transfer and non-return of children

160. This does not appear to be a problem in the Virgin Islands. Section 199 of the Criminal Code makes it an offence unlawfully, either by force or by fraud, to take away, entice or decoy any child under 14 from any parent or guardian having legal care of that child. Section 198 makes unlawful the taking away from her parents of a girl under the age of 16. Sections 195 to 197 make abduction and kidnapping unlawful, including the abduction of a female with intent to marry.

Abuse and neglect, including physical and psychological recovery and social reintegration

161. Under section 27 of the Matrimonial Proceedings and Property Act, either party to a marriage may apply to the court when the other party has neglected a child of the marriage and the court may make an order for periodic payments in respect of the child. See also paragraph 154 above with respect to the powers of the court on a breakdown of a marriage.

162. The Juvenile Act makes it an offence:

(a) For any person over the age of 17 who has the custody or care of a juvenile, wilfully to assault, ill-treat, neglect, abandon or expose such juvenile or to procure another to do so, in a manner likely to cause the juvenile unnecessary suffering or injury to health, including injury to or loss of sight or hearing or of any limb or organ, or any mental derangement;

(b) To cause, procure or allow any juvenile to be in any place begging or receiving alms.

If there is reasonable cause to suspect that a juvenile is being so abused or neglected, the juvenile may be brought before a magistrate, detained in a place of safety and brought before a Juvenile Court. Any police officer or supervisor appointed by the court may also bring a juvenile who is believed to be in need of care or protection before a Juvenile Court. These provisions are reinforced by the imposition of criminal penalties under sections 190 to 192 of the Criminal Code.

163. A juvenile Court may, if satisfied that the welfare of the juvenile so requires:

(a) Commit the juvenile to the care of any fit person who is willing to undertake his care where it deems it necessary to remove the child from undesirable surroundings;

(b) Require the parent or guardian to enter into a recognizance to exercise proper care and guardianship;

(c) Place the child, either in addition to or without making an order described in subparagraph (a) or (b), under the supervision of a Supervisor for a period not exceeding three years.

164. The Domestic Violence (Summary Proceedings) Act 1996 contains wide powers for magistrates to make protection orders where there has been violence or a threat of violence to a child (whether or not the child of the defendant). The possible orders include orders permitting or restricting entry into, or remaining in, the home and occupation orders which may have the effect of excluding offenders from the home.

Periodic review of placement

165. Probation Officers review the placement of children taken from their parents by the court and placed in foster homes. The Juvenile Act, section 13 (1) provides: "where a juvenile has been placed under the supervision of a probation officer, that officer shall, while the order remains in force, visit, advise and befriend him and when necessary endeavour to find him suitable employment ...".

Basic health and welfare

Survival and development

166. The infant mortality rate for live births for 1996 was 14.0 per 1,000.

167.1 The Government provides a basic childhood immunization programme in respect of the following diseases:

Polio	OPV
Tetanus toxoid	TT
Diphtheria, pertussis and tetanus	DPT
Bacillus of Colmette and Guerin	BCG
Measles, mumps and rubella	MMR
Tuberculosis	TB
Oral poliomyelitis	OPV

The national immunization schedule for the British Virgin Islands is as follows:

Age	Vaccine
Birth to 3 months	BCG
3 months	1st DPT & TOPV
5 months	2nd DPT & TOPV
7 months	3rd DPT & TOPV
12 months	MMR

Boosters:

18 months	1st booster, DPT & TOPV
4 years	2nd booster, DPT & TOPV & MM
11 years	3rd booster, DPT, TOPV

167.2 The antenatal immunization schedule is as follows:

First pregnancy at:	4 months	1st TT
	1-2 months thereafter	2nd TT
Other pregnancy:	after 3rd month	TT

Disabled children

168.1 Some of the more common forms of disabilities/special needs areas seen in the Virgin Islands include:

(a) Down's syndrome (which results from chromosomal abnormalities);

(b) Foetal alcohol syndrome (FAS) which is linked to high alcohol consumption by a mother during pregnancy, and more so during the first trimester;

(c) Attention deficit hyperactivity disorder. Autism (where there is limited interaction or no verbal communication with the world);

(d) Learning disabilities;

(e) Chronic illnesses like asthma and epilepsy which prevent/restrict functioning in day-to-day activities.

168.2 Under the sponsorship of the Department of Education and Culture, the Eslyn Henley-Richiez School (formerly the Fort Charlotte School) offers a programme for psychologically imbalanced and mentally retarted children. The children, ranging from 6 to 26, learn self-help skills, personal hygiene and social skills which prepare them for independent living. At present the School caters for 12 students with the following disorders:

(a) one autistic male child, age 17

(b) four with Down's Syndrome

- one female, age 25

- two males, aged 13 and another aged 7

(c) two with foetal alcohol syndrome - females, aged 24 and 18

(d) one male with profound speech disability age 7

(e) three mentally retarted males age 7, 11, 16

(f) one male with physical disability, age 20

168.3 The Virgin Islands Rehabilitation Services (BVIRS) provide work for some of the disabled persons who are more than 15 years old but who have only child-like school age performance capabilities. For example, the participants in the rehabilitation programme assist the two managers with work, such as covering hotel chairs, car washing, sorting and wrapping telephone bills for the Cable and Wireless Telephone Company and washing and ironing clothes. A sewing contract with the Sunny Caribbee Store to sew 500 small spice bags per week provides work for not only the better functioning participants who sew, but for all the participants, as they can turn the bags to the right/colourful side after they have been sewn. Participants also assist in assembling Government Information Services (GIS) newsletters. They make red and white L's for vehicle drivers on test or practice. They engage in a plant programme which utilize the motor skills of a number of the participants and provides them with the therapeutic benefits of working with plants.

168.4 In addition, there are a number of children with special needs who are attending regular schools throughout the islands.

Health and health services

169. In 1996 there were (approximately) the following medical professionals in the Islands:

Physicians	17 (government)
Surgeons	1
Dentists	1
Opticians	1
Nurses	72
Nursing assistants	22
Radiographers	2
Laboratory technologists	5
Physiotherapists	2
Pharmacists	4
Public environmental health inspectors	6

There were the following medical facilities:

Hospitals	1	
District clinics	11	
Health centres	1	Comprehensive on (Road Town)

School health programmes

170. District nurses make random visits to schools and health promotion programmes are available in schools. An annual examination is provided for all Primary Five students (age 11 and over) before admission to the high school. Nurses do clinical work, counselling and referrals at schools. The immunization programme is described in paragraphs 167.1 and 167.2 above. Dental restorations, extractions, inspection and prophylaxis are provided free for school children.

Services provided to expectant nursing mothers

171. Community nurses make three visits to mothers after their discharge from the hospital after giving birth. The Road Town Clinic provide pre-natal and post-natal care. There are nine health clinics - one in each of the following places: on the Island of Tortola at Road Town, East End, Long Look, Cane Garden Bay, Capoon's Bay, on the Island of Virgin Gorda at the Valley and the North Sound, on the Islands of Jost Van Dyke and Anegada. There are two satellite stations/clinics, one located at Sea Cows Bay and the other at Brewers Bay. These are used for health promotion activities.

Psychiatric services

172. Under the Mental Health Ordinance (Cap. 191), psychiatric evaluation and treatment counselling, psychological assessment and occupational therapy are included in the services

provided by the Mental Health Division of the Community Health Department. Daily services are provided at the Mental Health Clinic in Road Town but on Thursday, special clinics are available for clients and patients, including children. In addition, visits are made to the outer Islands, Anegada, Virgin Gorda and Jost Van Dyke, once a month, with ad hoc visits as necessary. There are a total of approximately 200 registered clients seen in the clinic for psychiatric treatment and an additional 140 persons for psychotherapy and counselling services. Fifty-two children have received assistance in the past two years. The Mental Health Division also provides home visits to sick patients.

Social security and standard of living

173. Social welfare payments available for low-income families are covered under the Public Assistance Ordinance (Cap. 265). They include:

(a) The granting of a weekly allowance as outdoor relief to any poor and destitute persons (under section 2 of the Ordinance, poor and destitute persons include infants and children);

(b) A special grant to defray the cost of medical attention as the Public Assistance Committee may consider appropriate;

(c) The provision of material and labour for building or repairing a dwelling house for any poor or destitute person.

Allowances and grants are given in United States currency.

174. There are approximately 25 registered day care privately owned facilities catering for pre-school children. Day care facilities are regulated in accordance with the Education Ordinance (Cap. 116, Part 1, section 2, Part 11, section 4 (A), and Part III, section 9 (A), which states that with the approval of the Minister of Education, schooling for pre-primary education (including infants at nursery schools) must be suitable to the requirement of children below the age of five.

Education, leisure and cultural activities

Education

175. Education is compulsory and free in government schools between the ages of 5 and 15. Under the Education Act, the Minister of Education is required to ensure a system of education which provides for four stages: pre-primary, primary, secondary, and further education. The Minister is empowered to provide special education for children with special needs. The Act further provides for making general regulations for the establishment, maintenance, administration, management and policy for government and assisted private schools. There are 16 public primary schools and 3 secondary public schools. There are five primary private schools and one private secondary school.

176. The public primary schools have 148 teachers, 17 being male and 131 female. There are 2,378 pupils in public primary schools, 1,208 being males and 1,170 females. In the private primary schools there are 370 students and 25 teachers; 571 children are enrolled in day-care and pre-schools. There are 146 teachers in secondary/high schools and 1,494 students.

177. The H.L. Stoutt Community College makes provision for further and higher education and there are local and overseas tertiary education scholarship programmes available to students who qualify.

Cultural activities

178.1 Cultural and recreational activities are organized under the Ministry of Health, Education and Culture through its departments: Sports Division, Education, Social Development and Library. Most schools in the Territory are active participants in the annual August Festival celebrations in Road Town, the Easter Festival and the annual summer programmes organized by the departments. Cultural activities throughout the year include dancing, music and drama in the school, at the festivals, and at overseas functions. Recreational activities include basketball, netball, running, baseball and water sports.

178.2 The music programme in schools continues to show improvement. Most primary schools are ensuring that their students be given an opportunity to play the recorder at least by the fifth grade level. At the British Virgin Islands High School and the Bregado Flax Educational Centre students are given the opportunity to join the school bands and choose from a variety of instruments to play. The bands are given high praise for their excellent performances at school graduations, spring concerts and at hotels. The bands also travel around the Caribbean, giving outstanding performances for a variety of audiences. They maintain a rich local and Caribbean musical heritage. At the Cedar School piano playing is taught by arrangement.

179.1 Other cultural activities for children include skills in basket-weaving, knitting, making local pastry and local dishes, art, and steel-pan playing. Various local artists, such as the Heritage Dancers, secular and religious singers, and the fungi band, are performers from which children learn about their cultural heritage.

179.2 At the Cedar School, recreational activities include: ballet facilitated by Body Images, steel pan, gymnastics, judo, karate facilitated by the Purple Dragon, Girl Guides, Boy Scouts, tennis, rugby, baseball, horseback riding, soccer, water sports, sailing, swimming, Kids and the Sea (KATS), the BVI Yacht Club Junior Sailing Programme, drama, craft and textile. All children in the territory have an opportunity to enrol in these programmes, which are offered to the public on week days and weekends.

Special protection measures

Situations of emergency

180. The recent (1997) emergency caused by the volcanic eruption in Montserrat resulted in the reception in the islands of many displaced persons. The arrangements for the reception, housing and provision of facilities were made through the Chief Minister's Office, the Office of

Disaster Preparedness and the Education Department. Some 56 children were received in the Islands and were housed in temporary or permanent accommodation and the children admitted to schools; 15 of these children live with a mother, father or relative who was either already living in the Islands before the eruptions or who came to the Islands following the eruptions. The other 41 are accommodated by British Virgin islanders. About five children left the Virgin Islands for other Caribbean islands and England. At present (May 1998) there are still 51 children from Montserrat accommodated in the islands and being educated in the islands' schools on Tortola and Virgin Gorda.

Children in conflict with the law

181. (a) As noted in paragraph 7, the court usually dealing with a child or young person is the Juvenile Court, though juveniles may be tried in the Magistrates Court, or in serious cases in the High Court, if charged jointly with an adult. The procedures in the Juvenile Court include the exclusion, save with the leave of the court, of all persons other than those, including the parents of any accused person, concerned with the case.

(b) When a juvenile (over the age of 10 and under the age of 16) is found guilty of an offence by a Juvenile Court, the Court may make an order committing him to custody, to the care of a fit person, or to the supervision of a probation officer for a period of three years. The Court must be satisfied that a custodial sentence is in the best interests and for the welfare of the juvenile.

(c) In addition corporal punishment is permitted under the Corporal Punishment Act.

Children in situations of exploitation

182. The Labour Code prohibits employment of children and young persons except as provided in paragraph 139 above.

183. There is a growing drug problem among some young people in the islands. The Sandy Lane Rehabilitation centre is a government agency under the Ministry of Health and Welfare that provides out-patient treatment programmes for participants. Class instructions on drug and alcohol include presentations on their effects on the body and one's life and how they can be treated and avoided. The staff of the Sandy Lane Centre provide assistance to any school or youth organization that make requests; 101 clients have attended courses or were otherwise treated for substance abuse problems at the Centre in 1997. Seven of these were adolescents.

184. Sexual exploitation of children and young persons, including sale, procurement or abduction, are an offence under the Criminal Code, Part VII. There were seven prosecutions of sexual offences against children and young persons in 1997. Five of these were withdrawn because there was no evidence offered, one was dismissed because of insufficient evidence, and the other was adjourned sine die, as the offender jumped bail. Presently (May 1998), there are three cases of indecent assault/rape pending. They have not come to trial as yet.

Annexes

185. The following Acts are annexed to this report:

The Juvenile Act

The Matrimonial Proceedings and Property Act

The Summary Proceedings (Domestic Violence) Act.

October 1998

CAYMAN ISLANDS

Introduction

186. The Convention on the Rights of the Child was extended to the Cayman Islands on 7 September 1994.

187. Information relating to the Cayman Islands is set out in annex IV to the core document submitted by the United Kingdom of Great Britain and Northern Ireland in respect of Overseas Dependent Territories and Crown Dependencies on 14 September 1995 (HRI/CORE/1/Add.62). Particular attention is drawn to the information on the general legal framework and human rights contained in that annex. The following changes to the information in that annex should be noted.

Land and people

188. According to the Department of Economics and Statistics, in 1996 the estimated population of the Cayman Islands was 35,000, compared with 25,355 in 1989, when the last census was taken. The statistics show that 33,700 persons (or 96 per cent of the population) reside in Grand Cayman; 1,173 on Cayman Brac and 116 on Little Cayman. The population of the capital city, George Town, is 19,560. The birth rate in 1996 was estimated at 16 per 1,000 and the death rate at 4 per 1,000.

Statistical information

Additional statistics are as follows:

Per capita income (1996)	US$ 29,250.00
Gross domestic product (1996)	US$ 1,024 million
Unemployment rate	4.9 per cent
Rate of inflation (1996)	2.1 per cent
Literacy rate	98 per cent

Fertility rate	1.8 per cent
Population under 15 years of age	21 per cent
Population over 65 years of age	5.9 per cent
Life expectancy	77.1 years
Infant mortality rate	10.7

189. On ratification of the Convention, the United Kingdom made a number of reservations in respect of itself and the dependent territories. In respect of the Cayman Islands these reservations are still necessary.

General measures of implementation

190. As noted in the annex to the core report, treaties which apply to the Cayman Islands do not have the force of internal law and cannot be directly invoked before the courts though the courts will, when possible, construe domestic legislation in such a way as to avoid conflict with applicable treaties. If a treaty requires some change in existing law, new domestic law (which includes Orders of the Queen in Council) must be enacted.

191. The legislation, policies and programmes relating to young persons and children, which are presently in force advance the same principles and objectives as are set out in the Convention. A new law, the Children Law 1995, has been enacted which is comparable, due regard being had to the different circumstances of the Cayman Islands, to the Children Act 1989 of the United Kingdom. As at the completion of this report, this law has not yet been brought into operation.

Responsible authorities

192. The Departments of the Government of the Cayman Islands responsible for matters relating to children are:

(a) Education;

(b) Ministry of Health, Drug Abuse Prevention and Rehabilitation;

(c) Social Services;

(d) Ministry of Community Development, Sports, Women's and Youth Affairs and Culture.

Publication of Convention and reports

193. Since the extension of the Convention to the Cayman Islands the text of the Convention was circulated to the Departments/Officials with responsibilities for child-related matters. It is intended to make this report available to the general public.

Definition of the child

194. In general terms, an individual attains full age, with full rights, at 18. Under that age he is most generally referred to as a "minor" in relation to property rights (Age of Majority Law 1977, section 9).

(a) In criminal proceedings a person under the age of 17 is referred to as a "young person" (Youth Justice Law 1995). The law provides that no child under the age of 8 can be guilty of an offence. A child under the age of 12 can be convicted of a criminal offence if it is proved that, at the time of doing the act or making the omission, he had the capacity to know that he ought not to do the act or make the omission.

(b) Persons under the age of 17 are ordinarily tried in the Youth Court, which is a court with special powers and procedures appropriate for children (including the exclusion of members of the public from hearings). However, in the event that a young person is charged jointly with an adult, the Magistrate may decide to try the matter in the Summary Court. Further, if the young person is charged with an indictable offence, the matter may be heard by the Grand Court.

(c) A young person can only be sentenced to custody on conviction of a criminal offence if he is legally represented or has applied for legal aid under the Poor Persons (Legal Aid) Law and the application was refused on the grounds that it did not appear his means were such that he required assistance, or after having been informed of his right to apply for assistance he refused or failed to apply and had the opportunity to do so. It is also a precondition of such committal that:

(i) He had a history of failure to respond to non-custodial sentences;

(ii) Only a custodial sentence would adequately protect the public from serious harm;

(iii) The offence for which the child was found guilty was of such a serious nature that a non-custodial sentence could not be justified;

(d) Education is compulsory for all children above the age of 4 years and 9 months and below the age of 16 years.

(e) Marriage is not permitted for a person under the age of 16. Parental consent is required for persons under the age of 18.

(f) The age of consent to sexual intercourse is 16.

(g) It is an offence for persons under the age of 18 to consume, dispose of or obtain intoxicating liquor in a licensed premises or a public place.

(h) The Court may make an order that a child be taken into the care of the Department of Social Services at any age up to 17 if it is satisfied that the child concerned is suffering or likely to suffer significant harm and that the harm is attributable to the care given or likely to be given to the child, or that the child is beyond parental control or beyond the control of his school or the Education Department.

(i) A person under the age of 18 cannot consent to medical treatment.

(j) The Penal Code, as amended by the Youth Justice Law, prohibits the employment of children under the age of 10. A child of school age should not be employed during school hours, or for more than two hours per day outside school hours on days when he is required to attend school, or during the night between the hours of 10 p.m. and 7 a.m.

General principles

Legislation

195. The principal legislation which particularly concerns children is:

(a) Children's Law 1995

(b) Education Law 1993

(c) Guardianship and Custody of Children's Law (1996 Revision)

(d) Legitimization of Children Law (1997 Revision)

(e) Youth Justice Law 1995

(f) Maintenance Law (1996 Revision)

(g) Affiliation Law (1995 Revision)

(h) Adoption of Children Law (1996 Revision).

Copies of the laws referred to at items (a), (e), (f) and (h) are annexed to this report.

Discrimination

196. The laws of the Cayman Islands which relate to children and the services provided for them by the Government apply without discrimination.

The best interests of the child

197. The law of the Cayman Islands requires that the Court, when considering matters that affect the child, shall have regard to the best interests of the child. In any proceeding with respect to the upbringing of a child or the administration of a child's property or the application of any income from it, the law requires that the child's welfare shall be the court's paramount consideration. (Children Law, section 3; Adoption of Children Law, section 14.)

The right to life

198. The right to life is protected by the Criminal Law. It is an offence under the Penal Code to kill a person or an unborn child.

Respect for the views of the child

199. Respect of the views of the child is adhered to in all matters pertaining to the welfare of the child. This is a principle embodied in the law as well as an established practice in the Court when dealing with young persons in criminal or civil proceedings (Children Law, sections 3 and 22; Adoption of Children Law, section 14).

Civil rights and freedoms

Name and nationality

200. In accordance with the Births and Deaths Registration Law, the birth of every child must be registered within 42 days of the birth. The child's name must be registered within 12 months of the registration of the birth unless written authority is obtained from the Registrar General to allow registration or alteration of a name after a year.

201. A child born in the Cayman Islands is a British Dependent Territories citizen if, at the time of his birth, his father or mother is a British Dependent Territories citizen or settled in the Cayman Islands. If neither of the parents is so qualified at the time of the birth but subsequently become citizens while the child is a minor, the child is entitled to be registered as a British Dependent Territory citizen. Further, a child born in the Cayman Islands and not otherwise such a citizen is entitled to be registered as a citizen after he attains the age of 10 if he has lived in the territory since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Freedom of expression and association

202. It is a principle of law that a person, including a child, is entitled to do anything unless it is forbidden by law. Accordingly, a child has the rights set out in articles 13 and 15 of the Convention, subject only to the restrictions prescribed by law as recognized in those articles and to the responsibilities of the parents as recognized in article 18.

Access to appropriate information

203. There are numerous facilities in the Cayman Islands where a child can have access to appropriate information. These include:

(a) Three public libraries and two colleges libraries in addition to libraries in all of the schools. An additional public library is due to be opened in 1998;

(b) One local daily newspaper and numerous international newspapers including The Times (London), the Gleaner (Jamaica), and U.S.A Today;

(c) Radio and television, both of which provide daily segments of children programming or channels which provide 24-hour a day programming for children;

(d) Access to computer services in the schools, libraries and at home and in some cases access to the World Wide Web (Internet services).

The dissemination of pornographic materials is prohibited by law in the Cayman Islands.

Freedom of thought, conscience and religion

204. Every person in the Cayman Islands has the right to freedom of thought and conscience and religious freedom, subject only to the limitations prescribed by law as recognized by article 14 and subject to the right of parents guidance. There is no compulsory public religion in the Cayman Islands and in fact there is no dominant religion in the islands. There is a requirement under the Education Law that government schools must provide non-denominational religious worship and instruction.

The right not to be subject to torture or cruel, inhuman or degrading treatment or punishment

205. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment extends to the Cayman Islands and is given effect to in law by the Criminal Justice Act 1988 (Torture) (Overseas Territories) Order 1988.

Family environment and alternative care

Parental guidance

206. Parents are considered to be responsible for the upbringing, care, control and maintenance of their children. Several laws in the islands establish this principle. In specific terms, the Children Law states that a married couple has parental responsibility for their children. For children born out of wedlock, parental responsibility lies with the mother although the father can acquire it on application to the Court. Parental responsibility can only be taken away by order of the Court (Children Law, section 4 and 5, Adoption of Children Law, section 15).

207. Parental responsibility is not only extended to the natural parents but may be acquired by guardians, adoptive parents or, as the circumstances dictate, the Court may give parental responsibility to other parents deemed fit in the best interest of the child.

Separation from parents and children deprived of family environment

208. Great care is taken in the islands to preserve the family unit and to encourage parents to assume all the rights and duties of parents. The Children Law and the Youth Justice Law provide for situations in which a child can be taken from the parents/guardians and placed in the care of the Department of Social Services. However, the Court can only make such an order if it is satisfied that the child concerned is suffering, or is likely to suffer, significant harm and that harm or likelihood of harm is attributable to the care given the child or is likely to b given him if an order is not made; or if the child is beyond parental control, or beyond the control of the school or Education Department (Children Law, Part IV).

209. The Government of the Islands has provided several homes for the care of children. These are:

(a) Francis Bodden's Children's Home

(b) Bonaventure Boys Home

(c) Maple House

(d) The Place of Safety

During 1996, a total of 36 children were cared for at the Department of Social Services residential facilities. Care orders made to these homes are reviewed by the Court at most every six months. Presently there is no provision for inspection of these services. However, on the coming into force of the Children Law there will be a need, and plans are under way to provide for inspection of all care facilities.

Recovery of maintenance for the child

210. The Maintenance Law imposes duties for the maintenance of children, and that law and the Affiliation Law provide for the recovery of maintenance from the absent parent or spouse. An application for maintenance may be made by any person having the actual care and custody of the child. There is also provision under the Maintenance Orders (Enforcement) Law for the enforcement of overseas maintenance orders.

Adoption

211. Children may be adopted in the Cayman Islands under the provisions of the Adoption of Children Law. This legislation provides that children may only be adopted with the consent of both parents or guardian. However, the law provides that parental consent may be waived by the Court in cases of abuse or neglect if it is determined to be in the best interest of the child. Once

the child is adopted all parental rights and duties are transferred permanently to the adoptive parents. (See Adoption of Children Law, section 15, and paragraphs 197 and 199 above.)

Abuse and neglect, including physical and psychological recovery and social reintegration

212. The criminal law and the laws pertaining to children prohibit abuse and neglect of children (see Part VIA, "Offences relating to children" of the Penal Code as contained in Schedule 3 of the Youth Justice Law). Children in such situations may be removed from the abusive environment by the police and the Department of Social Services and placed in care. Perpetrators of such offences are dealt with in accordance with the law.

Child victims and their families of such abuse may receive medical, psychological, psychiatric and social assistance in dealing with the trauma which may result. Reintegration in the family or social environment from which they were rescued is encouraged if it is deemed to be an appropriate or safe place for the child in the future.

Periodic review of placement

213. Any order for the placement of a child or young person in the care of the Department of Social Services is reviewed by the Court on a regular basis. The frequency depends on the type and nature of the order, but such period of review does not usually exceed six-month intervals. This is not required by law but is an established practice.

Basic health and welfare

Survival and development

214. The infant mortality rate is 10.7. This is based on the number of children who died under one year of age per 1,000 children born during the year.

215. Immunization coverage in the Cayman Islands exceeds World Health Organization standards. As of 1996 the coverage was as follows:

Polio:	95 per cent
DPT:	94 per cent
Haemophilus influenza:	94 per cent
MMR:	89 per cent
BCG:	83 per cent

Influenza vaccines are offered to high-risk groups and other persons. The hepatitis B vaccine is offered to all health care personnel, law enforcement and security officers.

Disabled children

216. Special education programmes and care homes are provided for children with disabilities. These programmes are monitored and reviewed on a regular basis. The Education Department's early intervention programme has been closely monitored and has proven successful in identifying problems and improving student's performance.

The Lighthouse School is especially equipped to assist the needs of the disabled child. However, if the disability is not severe the child may be placed in the mainstream and allowed to withdraw for individual attention.

Care homes for disabled children provide some educational assistance during school vacation periods.

There is also the Special Olympics Committee which coordinates local and international sporting events for children and adults with handicaps.

Health and health services

217. The Health Services Department provides care for the Cayman Islands through the 59-bed George Town Hospital, the 18-bed Faith Hospital on Cayman Brac and four district health centres and clinics which provide general health care and dental and eye-care services. In 1996 there were 28 doctors in the government service, including three based on Cayman Brac. There were 26 doctors in full-time private practice, providing family health or specialist medical care on a regular basis. Specialist services are available in surgery, gynaecology and obstetrics, paediatrics, internal medicine, anaesthesiology, public health, orthopaedics, ophthalmology, ear, nose and throat and periodontology. Visiting specialists provide services in dermatology, cosmetic surgery, faciomaxillary surgery and urology. A full picture of the number of health care professionals practising in the Islands is provided in the appendix to this report.

218. All school age Caymanian children and the children of government employees enjoy free medical care. Health care is monitored in all schools. Three health care professionals are stationed at the government middle and high school on a continuing basis in Grand Cayman. Eye and hearing tests are done in all schools regularly (at least once per year) and in response to need on request.

Children must be fully immunized to enter any primary school. Immunization records are to be kept by the school the child attends.

219. Psychiatric services are available in the Cayman Islands. The Mental Health Department functions within the George Town Hospital and is comprised of one psychiatrist, a psychologist, a psychiatric social worker and two mental health nurses. Services which are offered to children and adolescents include assessment, treatment, testing and evaluation, family therapy and consultation. Trained staff from the Department visit two government schools once per week.

There is a need for adequate in-patient facilities for mental health patients.

220. As of January 1997, there were 21 registered day care facilities in the Cayman Islands. Three were operated by the National Council of Voluntary Organizations in conjunction with the Department of Social Services.

Social security and standards of living

221. The Cayman Islands enjoy a high standard of living. However, there are segments of society that are below the poverty line. The Government, through the Department of Social Services, assists families in need in several ways:

(a) Periodical financial assistance, i.e. weekly or monthly;

(b) Lunch, uniform and book vouchers for school children;

(c) Burial assistance;

(d) Optical assistance vouchers;

(e) Special needs placement and assistance.

The Department of Social Services, in conjunction with voluntary organizations, has also assisted needy families in repairing or building their homes.

Education, leisure and cultural activities

222. The purpose of the Cayman Islands Government school system, as the embodiment of the distinct ideals and values of the Caymanian people, is to develop the full and unique potential of all students, challenging them to assume a productive and fulfilling role in a stable and multicultural society distinguished by rapid economic growth, through an educational system characterized by visionary leaders, caring and committed teachers, responsible partnership with parents and the community, and a varied and relevant curriculum.

223. The Education Law provides for free compulsory education for all Caymanian children in the Islands of school age. Free education is available at public expense to children from the age of 3 years and 9 months. The Education Council, which consists of 12 members, is responsible for promoting education and the development of schools.

224. There are 20 primary and secondary schools, some of which are operated by churches or other private organizations. Of this number, Government maintains, entirely at public expense, nine primary, one middle and two secondary schools and a special school for mentally or physically disabled pupils. Within these schools there are 162 primary teachers and 210 secondary teachers. Pupils at this level total 2,669 boys and 2,739 girls (May 1997). All teachers must be licensed by the Educational Council.

The total recurrent cost of the public education system in 1995 was 12.7 per cent of the Government's recurrent budget for the year. The amount allocated for education in 1995 was CI$ 16.8 million.

225. At the tertiary level of education there are two colleges: the Community College of the Cayman Islands, which is run by the Government and offers certificates and diplomas in hospitality and financial related studies, and the International College of the Cayman Islands, which is privately operated and offers up to a Masters Degree. Bachelor Degrees are offered in a number of areas including Accounting and International Finance, Liberal Studies, and Office Administration. Masters Degrees are offered in Business (BMA) and Management, with concentration either in Human Resources or Education.

There is also the Cayman Islands Law School which provides tuition in programmes which lead to the Bachelor of Laws (Honours) Degree of the University of Liverpool and following the successful completion of the postgraduate Professional Practice Course, the qualification of Attorney-at-Law of the Cayman Islands. In addition, the Law School offers a part-time course leading to a Diploma in Legal Studies.

Most students on leaving high school continue their education at one of the local colleges. Many, however, go overseas for further studies in the Caribbean, Canada, United States or Great Britain. Scholarships are available from the Government or the private sector, and are based strongly on academic performance. Funding is also available for further education through the Agriculture, Industrial and Development Bank.

226. Truancy is not a notable problem in the Islands. There is, however, a truancy officer at the Education Department who deals with all referrals from schools.

227. The Government and the people of the Cayman Islands recognize the right and need of the child to participate in sport and cultural activities. The Ministry of Sports has established a sports office with a full-time sports coordinator and full-time national coaches for basketball, netball, swimming and football. The Ministry's policy, "Sport for All", has been made a reality in the great development of sport and sport facilities in the Islands. Sport is considered an important tool in positive youth development.

228. A new sports complex was completed in 1995, which includes covered stands with seating capacity for 3,000, an Olympic standard athletic track and an international-standard football field.

229. There is a wide range of sporting and recreational activities available to children at little or no cost, such as swimming (in a half-Olympic size pool), water sports and organized sports: track and field training, football, basketball, netball, badminton, boxing to name just a few. Many of these organized sports are subsidized or funded by Government or charitable organizations. Youths are given the opportunity to participate in regional and international sporting competition on a very regular basis and many have received awards as a result.

230. There are many cultural activities in which children can participate. The Education Department organizes annually the National Children's Festival of the Arts. In 1995 over 400 pieces of art were on display, which were selected from the work of children in all the schools on the Islands. During the performing arts segment of the Festival, children participate in song, dance, folklore, choral singing and other musical and drama presentations. Many of the cultural activities specifically geared for children are organized by or in conjunction with one of

the four cultural bodies. These are: the Cayman National Cultural Foundation (CNCF), the Cayman Islands Museum, the National Trust for the Cayman Islands and the Public Library. Summer camps for children which focus on the historical, environmental or cultural aspects of the Islands are organized every summer in addition to drama, musical and other activities sponsored by these bodies throughout the year.

Special protective measures

231. The Cayman Islands have enjoyed tranquillity and peaceful coexistence since its colonization. There is no armed conflict in the territory. The colony was affected by an influx of Cuban refugees in 1994; this was an unprecedented problem. Special facilities for accommodation were set up for the refugees. A school was also set up for all the 161 refugee children. Health and social services were also made available to the refugees.

Children in conflict with the law

232. See paragraph 194 above.

Children in situations of exploitation

233. See paragraph 194 (j) above.

234. The Cayman Islands are faced with a significant drug problem. There is legislation in place to address the problem (the Misuse of Drugs Law). Organizations such as Cayman Against Substance Abuse (CASA) have greatly assisted in dealing with the continuing drug problem. CASA was founded in 1987 by Caymanian citizens concerned about the growth of drug and alcohol abuse in the community. Its philosophy is that knowledge is the key to prevention of substance abuse. The organization seeks to educate children about the dangers of drugs and also to instil moral, spiritual, and social values.

There are many clubs and organizations within the schools and churches which focus on drug use prevention, such as the Just Say No Club and Youth to Youth. The Cayman Counselling Centre provides professional counselling services for drug addicts and their families. Canaan Land home is a privately operated, residential rehabilitation facility for substance abusers.

Laws annexed

235. As noted above, the following laws are annexed to this report:

Children Law 1995;
Youth Justice Law 1995, together with
the Youth (Detention Facility) Order 1996 and
the Youth Rehabilitation Schools Notice 1996;
Maintenance Law;
Adoption of Children Law.

February 1998

Appendix

Health professionals practising in the Cayman Islands

	1990	1991	1992	1993	1994	1995	1996
Doctors	42	44	48	48	47	48	54
Dentists[1]	8	11	11	12	12	12	12
Nurses							
Staff nurses[2]	53	67	68	10	71	71	74
Midwives[3]	14	14	14	15	16	15	16
Community health[4]	10	10	10	10	11	11	11
Practical nurses	38	38	38	39	39	39	39
Community practical	5	5	5	5	5	6	5
School nurses	3	3	3	3	3	3	3
All nurses	121	137	138	142	144	144	148
Other professionals	53	54	60	150	61	61	63
All health professionals[5]	224	246	255	282	264	265	277
Per thousand at year-end population							
Doctors	1.6	1.6	1.6	1.6	1.5	1.4	1.5
Nurses	4.5	4.9	4.7	4.0	4.5	4.3	4.2
All health professionals	8.3	8.8	8.7	8.5	8.3	7.9	7.9

Source: Health Services Department. Cayman Islands Government.

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[1] Includes orthodontists.
[2] Includes supervisors.
[3] Includes practical nurse/midwife.
[4] Includes public health nurses registered nurses.
[5] Includes nutritionists, radiographers, pharmacists, physiotherapists, dental auxiliaries and STD coordinators.

MONTSERRAT

Introduction

236. The Convention on the Rights of the Child was extended to Montserrat on 7 September 1994.

237. Information relating to Montserrat is set out in annex VIII to the core document submitted by the United Kingdom of Great Britain and Northern Ireland in respect of Overseas Dependent Territories and Crown Dependencies on 14 September 1995 (HRI/CORE/1/Add 62).

238. In recent years Montserrat has suffered from a series of natural disasters. In September 1989 it was devastated by Hurricane Hugo which caused an estimated £20,000,000 worth of damage and, amongst other things, wreaked havoc on the agricultural and tourist industries. Much of the damage caused by the hurricane was repaired by mid-1995 and the island was poised to recover economically. This hope was, however, dashed on July 1995 when the Soufriere Hills volcano erupted; this was followed by the emission of super-heated steam and ash falling onto villages established along the flanks of the volcano. The situation grew worse and resulted in the evacuation of several villages and of Plymouth, the only town and the centre of commerce, to the north of the island. Later approximately 6,500 residents, more than half of the normal population, had to be relocated into cramped public shelters, tents, churches and private homes. Others left the island for the United Kingdom and neighbouring Caribbean islands.

239. The passage of Hurricane Louise in September 1995 with winds up to 140 mph did not help the situation, causing damage to the shelters and infrastructure and rendering more desperate the plight of those who had been evacuated.

240. The volcanic eruptions continued intermittently and increasingly throughout 1996 with a major explosion on 17 September of that year. There were no deaths, but this bout of volcanic activity resulted in widespread damage, dust pollution and respiratory problems, a significant loss of dwellings and of commercial services, further overcrowding in emergency shelters, a loss of jobs and a fall in agricultural production, and a consequent loss of government income. Emergency aid was provided by the United Kingdom Government in 1995/1996 to offset losses, and still continues.

241. On 25 June 1997 a violent eruption of the Soufriere Hills volcano devastated two thirds of the island, leaving at least 19 people dead or missing. This was followed by several large pyroclastic flows which destroyed Plymouth and its environs. Currently the population of 3,500 is now concentrated in the north and the island is administered from there.

General measures of implementation

Responsible authorities

242. The administration of Montserrat is currently operated on an emergency basis. However, scientists at the Montserrat Volcano Observatory have indicated that the risks to the north of the

island are minimal and a sustainable development plan for medium- and long-term development is in the process of being approved.

243. The rights and care of children are primarily the responsibility of the Ministry of Education, Health and Community Services. The Legal Department and the Police are responsible for enforcing regulations relating to children. A detailed breakdown of responsibilities is as follows:

(a) Education

- Kindergarten
- Primary
- Secondary
- Cultural influences
- Sports

(b) Community services

- Welfare
- Counselling
- Monitoring and assessment of juvenile offenders
- Foster care
- Policies and programmes
- Rehabilitation programmes

(c) Health

- Maternal and child health
- School health programmes
- Medical care
- Dental services
- Health education
- Mental health services
- Nutrition

(d) Legal

- Legal protection of children
- Enforcing regulations relating to children

(e) Police

- Investigation of child offences and offences against children
- *Presentation of cases to the court*

244. In addition, there are other support groups within the community which promote the development of children. These include churches, Cadet Corps, Girl Guides and Boy Scouts.

Publication of Convention and reports

245. Following the extension of the Convention to Montserrat, the text of the Convention was circulated to Departments with responsibilities for child-related matters, to the Attorney-General's Chambers and to the public. The National Committee for the Promotion of the Rights of the Child, chaired by the permanent Secretary, Health and Community Services, was established in February 1997. The Committee also comprised representatives from:

(a) The Education Department

- Guidance Counsellor
- Coordinator, Early Childhood Education

(b) The Attorney-General's Chambers

(c) A member of the clergy from the Christian Council

(d) Social Welfare Department

- Principal Community Development Officer/Secretary

(e) A representative of the media

(f) A sixth form student

At an official launch of the Committee on 19 March 1997, a representative of UNICEF delivered the main address and copies of brochures and booklets on the Convention were circulated.

246. It is intended to make copies of this report available in the Public Library.

Definition of the child

247. Under the Juveniles Ordinance a child is a person under the age of 14 and a juvenile a person above that age but under the age of 16. An individual becomes of full age, with civil rights, at the age of 21, but other ages are relevant for certain legal purposes.

Criminal law

248. (a) The age of criminal responsibility under which a child cannot be convicted of a criminal offence is 10 years. A child over that age but under the age of 14 may only be convicted of a criminal offence if it is proved that he had the capacity to know that he ought not to do the act or make the omission (Section 12 of the Penal Code).

(b) Unless charged together with a person who is not a juvenile, juveniles are required to be tried in a special court called the Juvenile Court, which has special powers and procedures appropriate to children.

Compulsory school age

249. Compulsory school age is from 5 to 14 years.

Age when marriage is permitted with or without parental consent

250. Marriage solomnized between persons either of whom is under the age of 16 years is null and void except where the Governor, "if for serious reasons he considers it to be in the intereests of the intended spouses to do so", issues a licence in respect of a person over the age of 15 (Marriage Law).

Ages to which restrictions on employment apply

251. (a) No child under the age of 14 shall be employed or shall work:

(i) in any public industrial undertaking;

(ii) in any private industrial undertaking, or on any ship, other than an undertaking or on a ship on which only members of the same family are employed;

(iii) in any other employment other than employment by his parent or guardian on domestic or agricultural work of a light nature at home.

(b) No young person (a person over the age of 14 and under the age of 18) shall be employed on night work except in limited circumstances where work has to be continuous by reason of the nature of the process, e.g. the manufacture of raw sugar.

General principles

Legislation

252. The principal legislation which particularly concerns children is:

(a) Adoption of Children Act (Cap. 296)

(b) Education Ordinance (Cap. 132)

(c) Guardianship of Infants Act (Cap. 297)

(d) Juveniles Ordinance 1982 (No. 20 of 1982)

(e) Employment of Children Prohibition Act (Cap. 269)

(f) Employment of Women, Young Persons and Children Act (Cap. 270)

(g) Maintenance of Children Ordinance (Cap. 47)

(h) Penal Code (No. 12 of 1983)

Discrimination

253. The laws of Montserrat which relate to children and the services provided for children by the Government apply without any discrimination, whether on the grounds set out in article 2 of the Convention or otherwise. Section 63 of the Constitution expressly prohibits discrimination on the grounds of race, place of origin, political opinions, colour or creed.

The best interests of the child

254. (a) Under the Guardianship of Infants Act where in any proceeding before any court the custody or upbringing of an infant (i.e. a person under the age of 18), or the administration of any property belonging to or held on trust for an infant, or the application of the income thereof, is in question, "the Court, in deciding that question, shall regard the welfare of the infant as the first and paramount consideration ...".

(b) Under the Juvenile Ordinance, every court in dealing with a juvenile (person under 16) brought before it as being in need of care and attention or as an offender or otherwise shall have regard to the welfare of the juvenile.

(c) Under the Adoption of Children Act, an adoption order will only be made if the court is satisfied that the adoption order "will be for the welfare of the child".

The right to life

255. The right to life is protected by the criminal law. The fundamental right to life is also afforded protection by section 53 of the Constitution. The death penalty has been abolished by the Caribbean Territories (Abolition of Death Penalty for Murder) Order 1991 (S.I. No. 988 of 1991) in respect of the crime of murder.

Respect for the views of the child

256. Under the Adoption of Children Act, the court, in making an Order is required to have due consideration "to the wishes of the infant, having regard to the age and understanding of the infant". The views of juveniles are acceptable in court, either as testimony or in the form of an admission of their evidence or deposition.

Civil rights and freedoms

Name and nationality

257. Under the Registration of Births and Deaths Law, notice of a birth is required to be given to the Registrar within 21 days after the birth. The change of a name in the Register thereafter is subject to strict regulation and the original entry must not be erased.

258. A child born in Montserrat is a British Dependent Territories citizen if, at the time of his birth, his father or mother is a British Dependent Territories citizen or settled in Montserrat. If neither of the parents is so qualified at the time of the birth, but subsequently become so qualified while the child is a minor, the child is entitled to be registered as a British Dependent Territories Citizen. Further, a child born in Montserrat and not otherwise such a citizen is entitled to be registered as a citizen after he attains the age of 10, if he has lived in the territory since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Freedom of expression and association

259 These rights are secured by sections 60 and 61 of the Constitution.

Access to appropriate information

260. (a) Prior to the volcanic eruptions and earthquakes referred to above, there was a public library at Plymouth. A limited library was maintained at the main campus of the Montserrat Secondary School. There are currently library services available from a small private home. The main library had, in the past, operated a mobile library service, but it is presently discontinued due to staffing and transportation problems. Radio Montserrat, a government-operated station, seeks to supplement the educational service and to provide programmes for children. Cable television services which provide material for the instruction and entertainment of children are received in the island; they have a strong American influence.

(b) Section 291 of the Penal Code enables the Governor in Council to prohibit the import of publications which are contrary to the public interest. This would include pornography and other material that is unsuitable for children. The sale, distribution or reproduction of any publication so prohibited is a criminal offence.

Freedom of thought, conscience and religion

261. Sections 59 and 60 of the Constitution provide for freedom of conscience and freedom of expression. Although schools are required to have a daily Christian prayer and reading from the scriptures, a child may be withdrawn from such observance and from any religious instruction without its having any consequences as regards his secular instruction.

Protection of privacy

262. Section 58 of the Constitution provides for the protection of privacy of the home and other property.

The right not to be subject to torture or cruel, inhuman or degrading treatment or punishment

263. The United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment extends to Montserrat and is given effect to in law by the Criminal Justice Act, 1988 (Torture) (Overseas Territories) Order, 1988 (S.I. 1988 No. 2242).

Family environment and alternative care

Parental guidance

264. The common law recognizes the responsibilities and rights of parents for the maintenance, protection and education of their children. Parents may not be deprived of the care and custody of their children except on the order of the Court and under the Guardianship of Infants Act a mother has the same right to apply to the court for guardianship as a father. Adoptive parents and legal guardians have the same responsibilities and rights as natural parents.

Parental responsibilities

265. Under the Juveniles Ordinance, a parent or other person who is legally liable to maintain a juvenile is deemed to have neglected the juvenile if he fails to provide him with adequate food, clothing, rest, medical aid and lodging. Under that law, it is an offence for any person over the age of 17 who has the custody or care of a juvenile, wilfully to assault, ill-treat, neglect, abandon or expose such juvenile, or to procure another person to do so, in a manner likely to cause the juvenile unnecessary suffering or injury to health, including injury to or loss of sight or hearing or of any limb or organ, or any mental derangement. It is also an offence to cause or procure or allow any juvenile to be in any place begging or receiving alms. A court may require a parent or guardian to enter into recognizances to exercise proper care and protection of a juvenile.

266. The Education Ordinance requires parents to cause their children to receive efficient primary education.

Separation from parents and children deprived of a family environment

267. Provision is made in the juveniles Ordinance for removing a child from his parents if the juvenile has been assaulted or ill-treated. The magistrate may issue a warrant authorizing any police officer to search for the juvenile and remove the juvenile to a place of safety; (see also paragraph 272 below).

Recovery of maintenance for the child

268. (a) The Maintenance of Children Ordinance provides that where it appears to a magistrate that at parent is about to leave the island without making adequate provision for the support of his child, the magistrate may summon him to show cause why the magistrate should not make an order prohibiting him from leaving the island; and if the magistrate is not satisfied with the cause shown, he may make such an order.

(b) The Maintenance Orders (Facilities for Enforcement) Ordinance (Cap. 48) provides for the enforcement of maintenance orders made abroad.

Adoption

269. Provision is made for adoption by the Adoption of Children Act. As noted in paragraphs 254 and 256 above, the court making an adoption order is to be satisfied that the adoption is for the welfare of the child and shall take into consideration his wishes, having regard to his age and understanding.

Illicit transfer and non-return of children

270. The criminal law makes it an offence to unlawfully, either by force or by fraud, take away, entice or decoy any child under 14 from any parent or guardian having legal care of that child. It is unlawful to take away from her parents a girl under the age of 16.

Abuse and neglect

271. Paragraph 265 above notes the responsibilities of persons having the custody of a juvenile. If there is reasonable cause to suspect that a juvenile is being abused or neglected, the juvenile may be brought before a magistrate, detained in a place of safety and brought before a Juvenile Court. Any police officer or supervisor appointed by the court may also bring a juvenile who is believed (whether in the above cases or otherwise) to be in need of care or protection before a Juvenile Court.

272. A Juvenile Court may, if satisfied that the welfare of the juvenile (a person under the age of 16) so requires:

(a) Commit the juvenile to the care of any fit person who is willing to undertake his care where it deems it necessary to remove him from undesirable surroundings;

(b) Require the parent or guardian to enter into a recognizance to exercise proper care and guardianship;

(c) Place the juvenile, either in addition to or without making an order described in subparagraph (a) or (b), under the supervision of a probation officer for a period not exceeding three years.

There are no government or voluntary children's homes in the island for children in care.

273. Where a juvenile has been placed under the supervision of a probation officer, that officer shall, while the order remains in force, visit, advise and befriend him and when necessary endeavour to find him suitable employment.

Basic health and welfare

Survival and development

274. Prior to the volcanic eruptions, the infant mortality rate for live births was 6.6 per 1,000 (1992).

275. The Government provides a basic childhood immunization programme in respect of the following diseases: tuberculosis, diphtheria, pertussis, tetanus, measles, mumps, rubella and polio. Selected boosters are given at 19 months, 4½ years and 14½ years. The Government has maintained this programme despite the disruptions caused by the eruptions.

Disabled children

276. Welfare services are available for disabled children. Health services are also provided to the disabled free. The Montserrat Branch of the British Red Cross Society, with the Government's support, has catered for the educational needs of disabled children. All supporting aids are imported free of customs duty.

Health and health services

277. (a) Prior to the eruptions, there was a 67-bed hospital and 12 clinics on the island and the Government provided free health and dental services to various groups such as children, the elderly, mentally handicapped and persons with certain chronic illnesses. The volcanic activity has destroyed the main hospital and 9 of the 12 clinics.

(b) Currently, the St. Johns Primary School has been converted into a 30-bed hospital which is supported by the St. Peters, Cudjoe Head and St. Johns Clinics. It is hoped that the Salem and Cork Hill clinics can be recovered if volcanic activity were to cease permanently. All medical services are provided by the Government through a team of 4 doctors, 50 nurses and 41 other health and administrative personnel. Cases that cannot be treated on the island are referred to neighbouring islands such as Guadeloupe, Antigua, St. Kitts and Barbados.

(c) On the island health care is also supplemented by a visiting specialist programme providing for overseas medical consultants to visit and provide short-term care in various specialized areas such as opthalmology, ear, nose and throat, pediatrics, obstetrics and gynaecology.

School health programmes

278. All forms of health and dental services are provided free of cost to children. Health checks are arranged between the district health centres and the schools. Where there are problems, children are referred to appropriate specialists.

Services provided to expectant/nursing mothers

279. Health services for expectant mothers include free prenatal and post-natal care and referral, where necessary, to specialist services. Expectant mothers are monitored throughout pregnancy at district health centres and any deficiencies noted are corrected through nutrition supplement programmes and counselling. Where necessary, foster care services are available.

Social security and standard of living

280. The Government operates a social security scheme designed to provide medical and retirement benefits. These include maternity, invalidity, survivors, employment injury, and sickness benefits and a funeral grant; details regarding these benefits are set out in the appendix to this report.

Education, leisure and cultural activities

Education

281. The Education Law provides for compulsory education between the ages of 5 and 14. It is free at primary and post primary schools, but secondary schools may charge prescribed fees. There is provision for scholarships to Government and assisted secondary schools.

282. Before the eruptions there were 11 primary schools, a comprehensive secondary school operating in three places in the island, a denominational secondary school and a technical college. The University of the West Indies maintained an extra-mural department at Plymouth and a privately owned American University of the Caribbean was established on the island.

283. During the volcanic crisis, 11 primary schools and two campuses of the secondary school were destroyed or rendered unusable. There are now two primary schools in operation, one run by the Roman Catholic Church and the other - the Brades Primary School - by the Government. (The Brades Primary School is also used as a shelter for relocated residents which puts a tremendous pressure on the available facilities such as toilets.) The secondary school is accommodated in the Lookout Primary School supplemented by portacabins. There are no science laboratories and no playing areas.

284. In 1994 there were two day-care centres and nine nursery schools. Currently there are one day-care centre and two nursery schools. This is a direct result of the volcanic activity and the consequential loss of residents from the island.

285. There has been a fall in the school-aged population as a consequence of people leaving the island. At present there are approximately 275 primary school children on the island as compared with approximately 2,000 prior to the volcanic activity. The number currently attending secondary school is approximately 180 as compared with about 904 at pre-volcanic levels. There has been a noticeable increase in truancy since the volcanic crisis.

Cultural activities

286. The Government formerly provided for youth and sports organizations and cultural activities. In present circumstances there are no sporting facilities or community centres available. The cultural officer has been removed from the establishment during the recent resource allocation review funded by the British Government. This has to a large extent reduced the emphasis on culture and its importance in the redevelopment process.

Special protection measures

Situations of emergency

287. The present emergency and the steps taken to deal with the consequences have been detailed above.

Children in conflict with the law

288. The court usually dealing with a child or young person is the Juvenile Court, though juveniles may be tried in the Magistrates Court, or in serious cases in the High Court, if charged jointly with an adult. The procedures in the Juvenile Court include the exclusion, save with the leave of the court, of all persons other than those, including the parents of any accused person, concerned with the case.

289. When a juvenile (over the age of 10 and under the age of 16) is found guilty of an offence by a Juvenile Court, the Court may make an order committing him to custody, to the care of a fit person, or to the supervision of a probation officer for a period of three years. The Court must be satisfied that a custodial sentence is in the best interests and for the welfare of the juvenile. Juveniles who are detained are required to be kept separately from adults. Corporal punishment may not be awarded.

Drugs and sexual abuse

290. The possession and supply of controlled drugs is a criminal offence under the Drugs (Prevention of Misuse) Ordinance 1989. Under the Penal Code, indecent assault of a girl is punishable by a maximum sentence of 5 years imprisonment and sexual intercourse with a girl by a maximum sentence of 2 years imprisonment (if the girl is between 13 and 16) and 14 years imprisonment (if the girl is under 13 years). However, reports from the courts and the social services do not indicate that either drugs or sexual abuse is a serious problem.

Annexes

291. The following laws are annexed to this report:

Juveniles Ordinance, 1982
Employment of Children Prohibition Act
Employment of Women, Young Persons and Children Act.

Appendix

Employment injury benefits

(a) Injury benefit is payable for up to 26 weeks for insured persons incapable of work on account of an industrial accident or disease.

(b) Disablement benefit may be payable after 26 weeks if incapacity for work continues.

(c) Medical expenses may be refunded if reasonably incurred as a result of such an injury or disease.

(d) Death benefit is payable to the orphaned unmarried children of a person who dies of such an accident or disease.

Funeral grant

is payable for the funeral expenses of the dependent child of an insured person.

Invalidity benefits

are payable to insured persons over the age of 16 and under the age of 60 who have made at least 50 contributions to the Social Security Scheme and are permanently incapable of being gainfully employed.

Maternity benefits

Maternity allowance is payable to insured women who have made at least 26 contributions to the Scheme for a period of 12 weeks.

Maternity grant is payable to an insured woman or the wife (including common law wife) of an insured person if 26 contributions have been made to the Scheme in the last 52 weeks.

Sickness benefit

is payable to insured persons over the age of 16 who have made 26 contributions to the Scheme who are temporarily incapable of work because of illness. If the illness continues for more than 26 weeks, the individual may be eligible for Invalidity Pension.

Survivors benefit

An unmarried child under the age of 15 or, if in full-time education, the age of 18, who was a dependent of a deceased insured person is entitled to a Survivor's Dependent Pension.

October 1998

PITCAIRN ISLAND

Introduction

292. The Convention was extended to the Pitcairn Islands Group on 7 September 1994.

293. Pitcairn Island, with an area of approximately 4.5 square miles, is the only permanently inhabited island in the Pitcairn Islands Group in the South Pacific; (the other islands are Henderson, Oeno and Ducie). The Islands are situated on the direct shipping line between Panama and New Zealand and are approximately half way between the two. Pitcairn has a population of some 50 persons, of who:

19 are males over the age of 18;

21 are females over the age of 18;

3 are males under the age of 18;

7 are females under the age of 18.

A number of islanders are, from time to time, absent from the Island. The community can best be described as an isolated and very remote coastal village.

294. The administrative system of the Islands is comparatively simple. The Governor of Pitcairn is the British High Commissioner to New Zealand and a Commissioner for the Island (located in the office of the British Consulate General in Auckland, New Zealand) is responsible for liaison between the Governor and the Island Council. The Governor is the legislature for Pitcairn. The internal affairs of the Island are managed through the Island Council, which is established in accordance with the Local Government Ordinance. It consists of the Island Magistrate and the Chairman of the Internal Committee, both of whom are elected by the Islanders; four other elected members; two advisory and non-voting members (one appointed by the Islanders, the other by the Governor); a member appointed by the Governor; and the Island Secretary, who is a public servant. The Island Council has power to make regulations for the good government of the Island, including the economic and social betterment of the Islanders. In addition to the Island Secretary, there is a Postmaster, Communications Officer (a satellite communications system was installed in 1992), Police Officer and Education Officer, all of whom are appointed by the Governor after consultation with the Island Council.

295. The legal system is based on that of England. Section 14 of the Judicature Ordinance provides that the common law, rules of equity and the statues of general application as in force on 1 January 1983 shall, so far as local circumstances permit, be the law of Pitcairn, subject to local ordinances made by the Governor. The Island Court (which consists of the Island Magistrate sitting with two assessors) has a wide jurisdiction (including jurisdiction in guardianship, custody and maintenance), but, as noted in the core document, it is in fact rare for it to be required to sit.

296. The Committee is referred to annex IX of the core document for the Overseas Dependent Territories and Crown Dependencies of the United Kingdom (HRI/CORE/1/Add.62) for a further description of the islands, their inhabitants and the system of government and the laws.

General measures of implementation

297. As with other common law countries, treaties (including the Convention on the Rights of the Child) do not of themselves have the force of internal law on the island, but, as will appear below, a number of laws which are in force make provision for various matters contained in the Convention. However, the circumstances of the territory, and the number of its inhabitants, puts a severe limit on the services and facilities which can be provided in relation to matters which are the subject of the Convention.

298. It is intended to make this report and any comments of the Committee available within the Island.

Definition of the child

299. An individual comes of full age and capacity at 18 years of age. Before that age, he or she is a minor and requires the consent of a parent or person in loco parentis for marriage. Section 2 (1) of the Interpretation and General Clauses Ordinance defines a child as a person under 15 years of age. The rule of English law which presumes that a child under the age of 10 is incapable of being guilty of an offence applies in the Island.

General principles

Legislation

300. The principal laws of the Island which specifically concern children are:

(a) The following provisions of the Justice Ordinance: Part VIII, Maintenance and the Care and Custody of Children, Sick and Aged Persons and Persons of Unsound Mind; Part X, sections 88, 92 and 103;

(b) The Adoption of Infants Ordinance;

(c) Part IV of the Social Welfare Benefits Ordinance: Child Benefits.

Discrimination

301. The measures in force in the Island which reflect the rights referred to in the Convention do not discriminate between children on any of the grounds set forth in article 2. The statues of the United Kingdom Parliament which prohibit discrimination are taken to be statues of general application which are in force in Pitcairn.

Best interests of the child

302. As was the case in the United Kingdom before the enactment of the Children Act, the best interest principle is implicit in various measures taken in relation to children.

Right to life

303. The law of the United Kingdom which recognizes the sanctity of life applies equally to Pitcairn by reason of section 14 of the Judicature Ordinance referred to above.

Respect for views of child

304. There is specific provision in section 6 (b) of the Adoption Ordinance requiring the court to be satisfied as to the wishes of the infant who is the subject of the application for adoption, having regard to his age and understanding.

Civil rights and freedoms

Name and nationality

305. Under the Births and Deaths (Registration) Ordinance, a birth is required to be registered within two months. The requirement to register includes a requirement to register the child's name. If, at any later stage, a name is given to the child, the parent is required to register the name which is included in the register as an addition to the particulars already registered.

306. Under the British Nationality Act 1981 of the United Kingdom Parliament, a child born in the Islands is a British Dependent Territories citizen if at the time of his birth his father or mother is a British Dependent Territories citizen or settled in Pitcairn. If neither parent is so qualified at the time of the birth but subsequently becomes so qualified while the child is a minor, the child is entitled to be registered as a British Dependent Territories citizen. Further, a child born in the Islands and not otherwise such a citizen is entitled to be registered as a citizen after he attains the age of 10 if he has lived in the territory since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Freedom of expression and association

307. It is a principle of law, that a person, including a child, is entitled to do anything unless it is expressly forbidden by law. Accordingly, a child has the rights set out in articles 13 and 15 of the Convention, subject only to the restrictions prescribed by law, as recognized in those articles and to the responsibilities of the parents as recognized in article 18.

Access to appropriate information and the mass media

308. The Island has no radio, television or newspapers, although a news sheet - the "Pitcairn Miscellany" - of social information is published by the Education Officer. There is a library

containing books, magazines and videos to which children have access, in addition to a library in the Island school. The importation or possession of indecent or obscene material is an offence under section 99 of the Justice Ordinance.

Freedom of thought, conscience and religion

309. Every person in the Island has the right to freedom of thought and conscience and religious freedom, subject to the limitations prescribed by law as recognized by article 14 and subject to the right of parents to provide guidance. The only church on the Island is the Seventh Day Adventist Church, with a resident pastor.

Article 37 (a)

310. The conduct referred to in the first sentence of article 37 (a) would constitute an offence under section 82 of the Justice Ordinance. The only offences carrying capital punishment in Pitcairn are treason and piracy; the death penalty has not been imposed since 1897. Under section 33 of the Justice Ordinance, unless otherwise specified, no child convicted of any offence shall be liable to imprisonment. There is no contrary provision in the laws of the Island.

Family environment and alternative care

Parental guidance and responsibilities; abuse and neglect of children

311. The common law recognizes the responsibilities and rights of parents and this extends to adoptive parents by virtue of section 15 of the Adoption Ordinance. Section 92 of the Justice Ordinance also makes specific provision to this effect: "It is the duty of every person who has the custody of any child to provide such child with the necessities of life and any person who misapplies any money paid by any other person for the maintenance of such child, fails to provide such child with the necessities of life, or abuses, neglects, abandons or maltreats such child shall be guilty of an offence ...". Carnal knowledge of a young girl is also an offence, but the law as drafted at present on this point is defective. Sections 69, 70 and 71 of the Justice Ordinance empower the Court to require the fathers of legitimate and illegitimate children to provide maintenance for their children.

312. There is no local legislation other than section 92 of the Justice Ordinance specifically for the protection of children, so that, if necessary, the pre-1983 statues of the Parliament of the United Kingdom for the protection could be invoked.

Adoption

313. An Adoption Ordinance makes provision for the adoption of children and connected matters. There have been nine adoptions since 1954, the latest in 1979.

Illicit transfer of non-return of children

314. There is no known instance of the illicit removal or transfer of children from Pitcairn Island.

Basic health and welfare

Health

315. There is a health clinic on the Island, a dental officer and a nurse. A doctor visits on an ad hoc basis, and the Island has been able to procure medical assistance from the surgeons of passing ships. On-Island medical and dental treatment is free, though there is a charge for prescriptions. The Government meets two thirds of the transport and hospitalization costs (full costs for pensioners) for patients sent to New Zealand.

316. The nurse provides an immunization programme.

317. It is an offence for any person under the age of 18 to smoke tobacco (section 101 of the Justice Ordinance) and under the Alcohol Code, made under the Alcohol Ordinance 1997, no person is authorized to purchase or consume alcohol without a licence; no licence may be issued to a person under the age of 18.

Welfare

318. Under the Social Welfare Benefits Ordinance, child benefits may be granted from public funds to the parents or guardians of:

- children under the age of 15, and
- children between the age of 14 and 18 who are attending full-time education at the Island School.

At present, two families are receiving child benefit.

Education, leisure and cultural activities

319. Education is free and compulsory from the ages of 5 to 15 years. The equipment in the school includes a lighting plant, a film projector, piano, record player, tape recorder, sewing machines, typewriters and a wide range of tools for technical training. The curriculum is based on the New Zealand curriculum and practical training is given which is designed to prepare pupils for the variety of practical tasks necessary to meet the needs of such an isolated community. Teaching is provided by a qualified schoolteacher recruited from New Zealand. Scholarships are provided by the Island Government for further education or training in New Zealand.

320. Handicrafts, which are one of the sources of income for the Islanders, are taught by parents at home, who hand down their skills to their children.

321. The Pitcairn dialect (a mixture of English and Tahitian) is reserved and since 1996, has been taught by a locally employed teaching assistant. Sport and leisure activities involving children are informal.

Special protective measures

Children and the law

322. Section 33 of the Justice Ordinance provides that, unless otherwise specified, no child convicted of an offence may be imprisoned. As noted above, no provision to the contrary exists in the laws of the Island. Children may give evidence without taking an oath or making an affirmation.

323. Children are expected to help their parents in the production of handicrafts, which is a family activity, less so in gardening. They also take part in fishing - a necessary part of the economy of the Islanders, but one seen as an enjoyable pastime.

December 1997

ST. HELENA AND ITS DEPENDENCIES

PART I. ST. HELENA

Introduction

324. The Convention on the Rights of the Child was extended to St. Helena on 7 September 1994.

325. Information relating to St. Helena is set out in annex X to the core document submitted by the United Kingdom of Great Britain and Northern Ireland in respect of Overseas Dependent Territories and Crown Dependencies on 14 September 1995 (HRI/CORE/1/Add.62). Particular attention is drawn to the information on the general legal framework and human rights contained in that annex.

326. The following changes to the information in that annex should be noted:

Gross domestic product per capita	£1,727 (1994/95)
Gross national product	£10,526 million (1994/95)
Rate of inflation	3.2 per cent (November 1997)
Rate of unemployment	14.2 per cent (March 1997)
Population	5,010 (1998 census - preliminary figure)
Percentage of population speaking English as a mother tongue	100 per cent

Life expectancy	Males - 68.8 years Females - 76.9 years (1987-96 average)
Infant mortality rate	17.9 per 1,000 live births 5 year moving average (1992-1996, too few to provide separate steady and reliable rates for each sex)
Maternal mortality rate	No deaths in 5 years 1992-1996
Birth rate	13.1 per 1000 population 5 year moving average 1992-1996
Death rate (females)	6.8 per 1,000 population 5 year moving average 1992-1996
Death rate (males)	10.0 per 1,000 population 5 year moving average 1992-1996
Percentage of population under 15 years of age	Males under 15 - 28.4 per cent Females under 15 - 27.1 per cent
Percentage of population over 65 years of age	Males over 65 - 7.9 per cent Females over 65 - 9.5 per cent
Percentage of population in rural and urban areas	Rural - 57.2 per cent, urban (Jamestown and Half Tree Hollow) - 42.8 per cent

327. On ratification of the Convention, the United Kingdom made a number of reservations in respect of itself and the dependent territories. These were:

(a) The right to apply its own legislation as regards entry into, departure from and residence in the territory, and citizenship;

(b) As regards article 32 (2) (b) (hours and conditions of employment), the right to treat certain persons under 16 not as children, but as "young persons";

(c) Where there is a lack of suitable detention facilities or where the mixing of adults and children is deemed to be mutually beneficial, not to apply article 37 (c) as regards the separation of children and adults in detention.

It is considered that it would be premature to withdraw the reservations made by the United Kingdom in respect of St. Helena.

General measures of implementation

328. As is noted in the annex to the core report, treaties which apply to St. Helena (including human rights treaties) do not have the force of internal law and cannot be directly invoked before the Courts though the Courts will, when possible, construe domestic legislation in such a way as to avoid conflict with applicable treaties. If a treaty requires some change in existing law (which need not necessarily be the case as existing law or administrative practice may suffice to give effect to the treaty) new domestic law must be enacted. Generally, where such domestic legislation is required to give effect to the treaty, such legislation is usually enacted prior to the entry into force of the said treaty in respect of St. Helena. With respect to the Convention on the Rights of the Child, the measures which give effect to the provisions of the Convention are described below.

Responsible authorities

329. The Departments of the Government of St. Helena which are responsible for matters relating to children are:

The Education Department, which is responsible for all matters relating to schools and education;

The Employment and Social Services Department, which is responsible for the following matters with respect to children:

(a) Fostering;

(b) Adoption;

(c) Absence of parents from the Island;

(d) Assessments and applications for admission into the children's home;

(e) Maintaining a children's home;

(f) Meeting the needs of the handicapped and children with special needs;

(g) Support to families and carers;

(h) Interviewing and investigating abuse;

(i) Non-school attendance, and any other casework related to children;

(j) Memorandum of good practice with Police Department;

(k) Probation and Community Service Orders imposed by the Courts;

(l) Providing counselling whenever required.

The Health Department, which is responsible for the general administration and supervision of health services and health-related matters on St. Helena, and more particularly with regard to children, the provision of:

(a) Antenatal care to expectant mothers, including regular examination/tests and parent craft classes;

(b) Post-natal care to mother and baby, which includes home visits in the initial 10 days after birth;

(c) Child welfare clinics for children up to 5 years old.

Publication of Convention and reports

330. The text of the Convention on the Rights of the Child has been circulated to departments and officials with responsibilities for child-related matters. These included, inter alia, the Education Department, the Health Department, the Social Services Department and the Police Department.

331. It is intended also to make copies of this report available to members of the Legislative Council and in the Public Library at Jamestown.

Definition of the child

332. In general terms, an individual becomes of full age, with full civil rights at 18. Under that age he or she is generally referred to as a child. Under section 1 of the Child Care Ordinance (No. 3 of 1996 of the Laws of St. Helena), "child" has been defined to mean a person who has not attained the age of 18.

333. However, other ages are relevant for certain legal purposes:

(a) A child under the age of 10 is conclusively presumed to be incapable of committing a criminal offence;

(b) A child between the ages of 10 and 13 (inclusive) can only be convicted of a criminal offence if it is proved that he or she knew what they were doing was wrong;

(c) A "child" and a "young person" for the purposes of the Children and Young Persons Ordinance 1965, are respectively defined as a person under the age of 16 and a person who has attained the age of 16 and is under the age of 18;

(d) A person requires parental consent to marry if under the age of 18;

(e) A girl under the age of 16 cannot legally consent to sexual intercourse;

(f) The sale of liquor to persons under the age of 18 is prohibited under the Liquor Ordinance;

(g) The employment of a person under the age of 18 in a tavern which is open for the sale or consumption of liquor is also prohibited under the Liquor Ordinance;

(h) The sale of tobacco to children under the age of 16 is prohibited.

General principles

334. The principal legislation which particularly concerns children in St. Helena is the Child Care Ordinance (No. 3 of 1996). Other ordinances relevant to children are the Children and Young Persons Ordinance (No. 19 of 1965), the Juveniles Smoking Ordinance (Cap. 58) and the Education Ordinance (No. 4 of 1989).

The Child Care Ordinance 1996

335. This Ordinance consolidated and amended the law relating to the status and care of children. It covers, among other matters:

(a) The status and care of children and the responsibilities and powers of those, who for the time being, are in charge of them;

(b) Legitimacy and legitimization by the subsequent marriage of parents;

(c) Adoption;

(d) Custody orders;

(e) Guardianship;

(f) Fostering of children;

(g) Affiliation orders, maintenance and attachment of earnings for maintenance;

(h) The property rights of illegitimate children;

(i) The responsibilities and powers of the public authorities, including those of a Child Care Officer, a newly created post.

336. The Ordinance also addressed problems caused by some parents being forced to leave their children on the Island when taking up overseas employment. It had been the custom in those circumstances for parents to make informal arrangements for the care of their children while they were away, but problems arose when inevitably some of those arrangements broke down and the Government was asked to assist. Prior to the enactment of the Child Care Ordinance the Government's powers to assist were limited. The Ordinance provides for various formal arrangements which can be made by parents for the care of their children while the

parents are away. Most importantly on this issue, it gives the Child Care Officer the ability to help parents to make the most appropriate arrangements for the care of their children.

Discrimination

337. The laws of St. Helena which relate to children and the services provided for children by the Government apply without any discrimination whether on the grounds set out in article 2 of the Convention or otherwise.

The best interests of the child

338. Section 7 of the Child Care Ordinance requires the Court, in any proceedings involving the upbringing of a child, his legal custody, or the administration of his property, to have regard for the "best interests of the child" in deciding any issue with respect to such child. The court in making its decision must "... regard the welfare of the child as the first and paramount consideration".

The right to life

339. The right to life is protected by the criminal law.

Respect for the views of the child

340. Section 114 (1) of the Child Care Ordinance states:

> "(1) In reaching any decision relating to a child in his care, the Child Care Officer must give first consideration to the need to safeguard and promote the welfare of the child throughout his childhood, and must so far as practicable ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding."

Civil rights and freedoms

Name and nationality

341. Under the Births and Deaths (Registration) Ordinance all births on the Island are required to be registered. Included on the register is the child's name, sex, names of his parents and his date of birth.

342. A child born in St. Helena is a British Dependent Territories citizen if, at the time of his birth, his father or mother is a British Dependent Territories citizen or settled in St. Helena. If neither of the parents is so qualified at the time of the birth but subsequently become so qualified while the child is a minor, the child is entitled to be registered as a British Dependent Territories citizen. Further, a child born in St. Helena and not otherwise such a citizen is entitled to be registered as a citizen after he attains the age of 10 if he has lived in the territory since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Preservation of identity

343. There is no provision which permits the name of a child to be changed so as to pose a danger of the child losing his identity.

Freedom of expression and association

344. It is a principle of law that a person, including a child, is entitled to do anything unless it is specifically forbidden by law. Accordingly, a child has the rights set out in articles 13 and 15 of the Convention, subject only to the restrictions prescribed by law as recognized in those articles and to the responsibilities of the parents as recognized in article 18.

Access to appropriate information

345. There is a public library which is augmented by a mobile library which serves all parts of the Island. There are health education programmes for all children of school age. Programmes include lectures on hygiene, family planning and health. There are broadcasts for children of an educational or informative nature. There is no problem on St. Helena of children having access to pornographic or other unsuitable material. The importation of pornographic material is prohibited and the grant of the licence to the television operator prevents the broadcast of obscene or other objectionable material.

Freedom of thought, conscience and religion

346. Every person in St. Helena has the right to freedom of thought and conscience and religious freedom, subject only to the limitations prescribed by law as recognized by article 14 and subject to the right of parents to provide guidance. There is no compulsory public religion in St. Helena. Religious education is taught in the upper school but no child is forced to attend if it is against his, or his parent's will.

The right not to be subject to torture or cruel, inhuman or degrading treatment or punishment

347. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment extends to St. Helena and is given effect to in law by the Criminal Justice Act 1988 (Torture) (Overseas Territories) Order 1988.

Family Environment and alternative care

Promotion of welfare and parental guidance

348. Under the Child Care Ordinance it is the duty of the Child Care Officer to make available such advice, guidance and assistance (in kind or cash in exceptional circumstances) as may promote the welfare of children and to diminish the need for children to be received into or kept under formal care under the Ordinance or to be brought before the Court. The diminishing of the need for children to be received or kept under formal care is to some degree a recognition that parents are the best people to bring up their children and also to some extent a recognition of

their rights and responsibilities, which is the rationale of those provisions. A parent may not be deprived of the care and custody of a child under the Children's and Young Persons Ordinance or the Child Care Ordinance except under an order of the Court.

In carrying out the duties referred to above, the Child Care Officer may also make arrangements with voluntary organizations or other persons for the provision by those organizations or persons of advice, guidance or assistance.

Parental responsibilities

349. The common law recognizes the responsibilities and rights of parents as regards the maintenance, protection and education of their children. Under section 3 of the Child Care Ordinance, "Parental rights and duties" is defined to mean in relation to a particular child, whether legitimate or not, all the rights and duties which by law the mother and father have in relation to a legitimate child and his property. Thus the parental rights and duties in relation to an illegitimate child are the same as with a legitimate child. Further, under section 102 of the Child Care Ordinance there is a presumption that in dispositions of property, references to children and other relatives include references to, and to persons related through, illegitimate children. Thus in a disposition, a reference to the child of a person is to be construed as, or as including, a reference to any illegitimate child of that person.

Separation from parents and children deprived of a family environment

350. Where it appears to the Child Care Officer with respect to a child who appears to be under the age of 17 that he has neither parent or guardian or is abandoned or lost, or his parents are (through mental or bodily disease or other incapacity) unable to provide for his proper accommodation, maintenance or upbringing, the Child Care Officer must receive the child into his care where his intervention is necessary in the interests and the welfare of the child. The Child Care Officer has to keep any child received into his care for as long as the welfare of the child requires it. The Ordinance, however, does not authorize the Child Care Officer to keep a child in his care if a parent or guardian desires to take over the care of the child and is capable of doing so; and where it is consistent with the welfare of the child, the Child Care Officer should endeavour to secure that the care of the child is taken over by the parent or guardian. The Child Care Ordinance also contains detailed provisions relating to the fostering of children. Rules made under the Children and Young Persons Ordinance set guidelines for children's homes. Detailed criteria have also been developed by the Social Services Department with respect to fostering and foster parenting which are implemented along with the fostering provisions of the Child Care Ordinance.

Family reunification

351. There are no restrictions on immigrants bringing their children with them to St. Helena.

Recovery of maintenance for the child

352. The Child Care Ordinance makes provision for orders for maintenance in circumstances relating to guardianship, custody, affiliation and also in respect of children who are in care. The Ordinance also provides for attachment of earnings in respect of payment orders.

Adoption

353. Adoption is now governed by the Child Care Ordinance. An adoption order vests the parental rights and duties relating to a child in the adopters on their application or that of the Child Care Officer acting on their behalf. The making of an adoption order operates to extinguish any parental right or duty relating to the child which was vested in the parent or guardian of the child immediately before the making of the order. It also extinguishes any duty to make payments in respect of the child's maintenance for any period after the making of the order. It should be noted, however, that the above position does not apply to a duty arising by virtue of an agreement which constitutes a trust or which expressly provides for the duty not to be extinguished by the making of an adoption order.

354. An adoption order will not be made unless the Court is satisfied that the Child Care Officer has been afforded sufficient opportunity to see the child with the applicants together in the home environment. The Court will have regard to the best interests of the child and would, as a matter of practice, give due consideration to the views of the child having regard to his age and understanding.

Illicit transfer and non-return of children

355. There are no cases in St. Helena involving the illicit transfer and non-return of children.

Abuse and neglect

356. The Children and Young Persons Ordinance contains provisions which are designed to provide for the care and protection of children who have been the subject of neglect or cruelty. Under the Ordinance, children who are in need of protection must be brought before a Juvenile Court which may make appropriate orders to secure the safety of the child. The Ordinance also creates certain offences with respect to children. These include offences relating to cruelty to children, causing or procuring a child to beg, allowing children in brothels, causing or encouraging the prostitution of girls, and causing or allowing children to be in bars of licensed premises. The Child Care Ordinance also contains detailed provisions relating to the fostering of children. Under section 133 of the latter Ordinance, the Child Care Officer may inspect premises in which a foster child is being kept

Survival and development

357. The infant mortality rate is 17.9 per 1,000 live births (five year moving average).

Immunization programmes

358. There is an island-wide vaccination programme which is virtually 100 per cent effective and which is offered free to cover children against tetanus, diphtheria, polio, measles, mumps, rubella and TB. The programme for vaccination is in line with British guidelines and is updated on a regular basis.

Health and health services

359. There is a main hospital (the General Hospital) and seven clinics. These are serviced by: 3 doctors (2 surgeons and 1 anaesthetist), 1 dentist, 2 dental technicians, 2 dental surgery assistants and 1 dental hygienist, 61 nurses including midwives, nursing assistants and trainees, 1 physiotherapist, 4 pharmacists and 10 health visitors. There is also a home for the elderly which is serviced by 2 wardens and 14 care attendants who also rotate to the Elderly Care Unit at the General Hospital.

No psychiatric services are available on the Island, but there do not appear to be any special psychiatric problems in St. Helena.

There are three privately managed and operated day care centres.

360. Services are provided to expectant and nursing mothers. There is an all-encompassing fee for maternity admissions which stands currently at £8.25. The fee covers all eventualities except caesarean section, for which an additional charge at a subsidized rate is made.

Children's health programmes

361. Free medical treatment, including hospital admissions, is offered to all children under the age of 15. Free dental treatment is also available to all children up to the age of 15.

362. Health programmes for all school children, including nursery school children, include checks with respect to hygiene, hearing and vision and annual dental checks, with referrals to doctor if necessary.

363. Other health concerns of children are also addressed by the Juveniles Smoking Ordinance which makes it an offence for anyone to sell or give any cigars, cigarettes, smoking or chewing tobacco to any person under 16 years of age for his own use, and the Liquor Ordinance which prohibits the sale of liquor to persons under the age of 18.

Disabled children

364. There is a custom-built seven-bed home for children who are physically or mentally disabled, which is administered and run by the Public Health Department. The home is operated by a dedicated nursing staff who also provide support for similar children in the community and provide respite care for those in need.

Social security and standards of living

365. The following social security benefits are paid to claimants:

(a) An unemployed person is paid £5 per child per week for each child up to the age of 15, with a maximum of £40 per family;

(b) An income-related benefit of £7 per week per child is payable to persons over the age of 60 or to those who are certified as unfit for work, with a maximum of £45 per family;

(c) An unemployment benefit of £12.80 per week is payable to persons who have passed school-leaving age and who have not been successful in obtaining employment or a placement on the youth training scheme until such time as they are employed.

Education, leisure and cultural activities

366. The Education Ordinance makes it the duty of every parent to ensure that every child between the ages of 5 and 15 (compulsory school age) attends school.

The Ordinance also prohibits the employment of any child under the age of 15 during school hours.

367. There are five first schools (for children aged 3 to 7), three middle schools (for children aged 8 to 11) and one upper school (for children aged 12 to 17), all of which are government-run and free. There are no religious foundations or private schools.

368. The number of teachers in each of the aforementioned categories of school together with the number of pupils in each category, distinguished by sex, is given below:

Teachers

30 First school teachers:	0 Male	30 Female
30 Middle school teachers:	6 Male	24 Female
53 Upper school teachers:	17 Male	36 Female

Pupils	Boys	Girls	Total
First schools:	169	168	337
Middle schools:	157	135	292
Upper schools:	218	190	408

369. A student scholarship scheme makes provision for higher education in the United Kingdom in respect of suitably qualified pupils. Up to six students per year can benefit under the scheme. There are no arrangements in place privately for further or higher education. There are no specialist vocational schools but the upper school offers technical training in specific areas for apprentices.

370. Steps are being taken for the establishment of a training council which will be responsible for the setting up, certification and monitoring of appropriate vocational courses.

371. School Attendance Officers are appointed to deal with any cases of truancy which may occur. Truancy is, however, not a problem on the Island.

Aims of education

372. The Department of Education's objective is: "To provide a high quality education service that is cost effective and meets the needs of individuals and the Island".

Leisure, sports and cultural activities

373. Sport and games are organized by individual schools and are an integral part of each school's curriculum. Private organizations such as the Boy Scouts, the Girl Guides, Pathfinders, Brownies and the Church Lads' Brigade also play an important role in this regard. They arrange their own programmes for leisure and sporting and cultural activities for children who are members of the respective organizations. These include social activities such as games, parties, physical education, physical recreation and outdoor activities such as camping. Crafts and hobbies are also included. These organizations through their activities seek to assist young people to achieve their true intellectual, social, physical and spiritual potential.

Special protection measures

374. There is no refugee problem in St. Helena. Also there is currently no armed conflict affecting St. Helena.

Children in conflict with the law

375. The Court in St. Helena that has specific jurisdiction to try offences or otherwise exercise particular jurisdiction in respect of children is the Juvenile Court. The Juvenile Court was created by, and exercises the jurisdiction conferred by, section 12 of the Magistrates' Courts Ordinance 1968. For the purpose of that Ordinance a juvenile is a person under the age of 17.

376. There are no special provisions governing the arrest of children. However, the Criminal Procedure Ordinance 1975 provides for the detention of young offenders (i.e. persons under the age of 16). Detention shall not be in a prison unless there is no other suitable place of custody. Other sentences are conditional discharge, probation orders, community service orders (for persons under the age of 14) and fines (recoverable from parents or guardian if imposed on a child under the age of 14).

377. Judicial corporal punishment is not permitted. A sentence of death may not be pronounced against a child; instead a child may be detained during Her Majesty's pleasure.

Children in situations of exploitation

378. Under the Children and Young Persons Ordinance, children under the age of 15 are prohibited from employment on vessels. Under the Education Ordinance, employment of children under the age of 15 during school hours is also prohibited.

379. There is no drug problem on St. Helena.

380. No problem exists on St. Helena regarding the sexual exploitation of children. There are no Island cases involving the sale, procurement or abduction of children.

381. There are no minority or indigenous peoples on the Island.

Annexes

The following laws are annexed to Part I of this report:

The Child Care Ordinance 1996
The Children and Young Persons Ordinance

PART II: ASCENSION

Introduction

382. The Convention on the Rights of the Child was extended to Ascension Island on 7 September 1994.

383. Ascension lies in the South Atlantic some 750 miles north-west of St. Helena, with an area of 34 square miles. It is an important communications centre, providing international telecommunications services via satellite to all parts of the world. The Island has an airport and a monthly shipping service. There is a small farm which supplies meat, vegetables and eggs.

384. The population in 1997 was some 1,111. Apart from the St. Helenians (771), the population consisted of expatriates (110 from the United Kingdom and 230 from the United States of America). The employed population (many accompanied by their families) work for the Administration, the Ascension Islands Services ("AIS"), the Royal Air Force and its civilian sub-contractor, the communications organizations on the island, and or the United States Air Force and its civilian sub-contractor. Employment contracts are for limited periods from one to three years, but many people repeatedly renew their contracts and many employees and their families have lived on Ascension for more than 20 years. There are 128 children on the island.

385. The head of the administration is the Administrator, who is appointed by the Secretary of State and is responsible to the Governor of St. Helena. The Administrator is advised by an "Island Group" composed of representatives of organizations operating on the island. Services on the island are mainly provided by AIS (a joint venture established by the British Broadcasting Corporation and Cable & Wireless plc to provide a range of services). These include fire and emergency services, electrical installations and services, public works (roads, buildings and

accommodation services), sanitary services (refuse, sewers, town maintenance and sports field maintenance, and environmental health), medical services (hospital, medical and dental), a school ("Two Boats School" providing junior and senior education for children in the 4 to 16 age group), and shops. There is also a small police force, a government savings bank and post office. The cost of administering the island was about £2 million in 1997/98 and is met by a per capita levy on each employee.

386. Under the Application of St. Helena Law (Ascension) Ordinance 1987, the law of St. Helena (including English law applied to St. Helena by the Application of English Law Ordinance 1987) is in force in Ascension insofar as it is suitable to local circumstances and with necessary modifications, and save insofar as there are inconsistent laws specifically applied to Ascension. Such specific laws include British laws which expressly apply to Ascension otherwise than under the 1987 Ordinance and laws made by the Governor of St. Helena for Ascension. The St. Helena Child Care Ordinance 1996 does not apply to Ascension as there is insufficient infrastructure on the island to implement it. However the Children and Young Persons Ordinance 1965 of St. Helena (as amended from time to time) does apply.

387. There is a magistrate's court in Ascension with civil and criminal jurisdiction and the Administrator is ex officio the magistrate. In criminal cases (including cases involving juveniles), the magistrate's court may be composed of the Administrator sitting alone or with justices of the peace, or by a bench of two justices. Justices are appointed from among the Island's inhabitants. In civil cases the magistrate sits alone. The Supreme Court of St. Helena has original jurisdiction in Ascension and appeals from the magistrate's court lie to the Supreme Court, the judge of which visits the Island approximately annually if required.

General measures of implementation

388. The position with regard to the application of treaties is the same as in St. Helena.

389. The Administrator is aware of the Convention. It is intended to make this report and any comments of the Committee available within the Island at the two public libraries.

Definition of the child

390. The age of majority in Ascension is 18 years and anyone below that age is a minor. In conformity with the Application of St. Helena Law (Ascension) Ordinance 1987, applicable law provides that other ages are relevant for certain legal purposes. Among these, the following should be noted:

(a) A child under the age of 10 is conclusively presumed to be incapable of committing a criminal offence;

(b) A child between the ages of 10 and 13 (inclusive) can only be convicted of a criminal offence if it is proved that he knew that what he was doing was wrong;

(c) A person requires parental consent to marry if under the age of 18;

(d) A girl under the age of 16 years cannot legally consent to sexual intercourse;

(e) Under the Children and Young Persons Ordinance, a child is defined as a person under the age of 16 and a young person as a person above the age of 16 and under the age of 18.

In addition, the Law Reform (Miscellaneous Provisions) (Ascension) Ordinance 1988 amended the Magistrate's Courts (Ascension) Ordinance to provide for the Magistrate's Court to sit as a Juvenile Court for all criminal proceedings in respect of persons under 17 years (who are referred to as juveniles in the Ordinance).

General principles

391. The principal laws which are applied or invoked in relation to children or juveniles are:

- the Children and Young Persons Ordinance 1965, as amended; and
- the Juveniles Smoking Ordinance.

Discrimination

392. The laws of Ascension which relate to children and the services provided for children by the Government and AIS apply without any discrimination whether on the grounds set out in Article 2 of the Convention or otherwise.

Best interests of the child

393. The best interest principle is implicit in various measures providing for the care, safety and protection of children; see further paragraphs 403 and 404.

Right to life

394. The right to life is protected by the criminal law.

Respect for views of child

395. As in St. Helena, in reaching any decision relating to a child, first consideration should be given to the need to safeguard and promote the welfare of the child throughout his childhood and due consideration would be given to the wishes and feelings of the child regarding a decision involving the child, having regard to his age and understanding.

Civil rights and freedoms

Name and nationality

396. Under the Births and Deaths (Registration) Ordinance all births on the Island are required to be registered. Included on the register is the child's name, sex, names of his parents and his date of birth.

397. A child born in Ascension is a British Dependent Territories citizen if, at the time of his birth, his father or mother is a British Dependent Territories citizen or settled in St. Helena and its Dependencies. If neither of the parents is so qualified at the time of the birth but subsequently become so qualified while the child is a minor, the child is entitled to be registered as a British Dependent Territories citizen. Further, a child born in Ascension and not otherwise such a citizen is entitled to be registered as a citizen after he attains the age of 10 if he has lived in the territory since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Freedom of expression and association

398. It is a principle of law that a person, including a child, is entitled to do anything unless it is specifically forbidden by law. Accordingly, a child has the rights set out in articles 13 and 15 of the Convention, subject only to the restrictions prescribed by law as recognized in those articles and to the responsibilities of the parents as recognized in article 18.

Access to appropriate information and the mass media

399. There are two well-stocked public libraries on the island. The Georgetown library has a children's section with a wide selection of reading material. Newspapers, magazines and other periodicals are available on subscription. The BBC Overseas Service (European Programme) is received in the island. Some children's programmes are included as part of that service. The British Forces Broadcasting service line television service is also received on the island for 16 hours a day. Children's programmes are also included in that service.

Freedom of thought and conscience

400. Every person in Ascension has the right to freedom of thought and conscience and religious freedom, subject only to the limitations prescribed by law as recognized by article 14 and subject to the right of parents to provide guidance. There is no compulsory public religion in Ascension. Religious education is taught in the school but parents have the right to withdraw their children from such teaching if they wish.

The right not to be subject to torture, cruel, inhuman or degrading treatment or punishment

401. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment extends to Ascension and is given effect to in law by the Criminal Justice Act 1988 (Torture) (Overseas Territories) Order 1988.

Family environment and alternative care

Parental responsibilities

402. The common law recognizes the responsibilities and rights of parents as regards the maintenance, protection and education of children.

Adoption

403. The United Kingdom law on adoption applies to Ascension. There have been three adoptions in the last five years.

Protection of children

404. Under the Children and Young Persons Ordinance:

(a) a parent or other person who is legally liable to maintain a child or young person is deemed to have neglected him if he fails to provide him with adequate food, clothing, rest, medical aid and lodging;

(b) it is an offence:

(i) for any person over the age of 17 who has the custody or care of a child or young person, wilfully to assault, ill-treat, neglect, abandon or expose him or to procure another to do so, in a manner likely to cause the juvenile unnecessary suffering or injury to health, including injury to or loss of sight or hearing or of any limb or organ, or any mental derangement;

(ii) to cause, procure or allow any child or young person to be in any place begging or receiving alms or soliciting for prostitution;

(iii) for any person who has the custody of a girl under the age of 16 to cause or encourage the seduction, unlawful carnal knowledge or prostitution of the girl.

If there is reasonable cause to suspect that a child or young person is being so abused or neglected, he may be detained in a place of safety and brought before the Juvenile Court. Any police officer may also bring a child who is believed to be in need of care or protection before the Juvenile Court.

There have been no cases in recent years of children being brought before a court as in need of care and attention. Nor have there been any fostering decisions.

Basic health and welfare

405. There is a cottage hospital on the Island with three wards: male, female and children. The hospital is staffed by a general surgeon, anaesthetist, midwife, qualified nurses, a dentist and medical technicians. There is also close cooperation with the United States Base clinic which arranges blood tests etc. There are out-patients clinics twice a day, six days a week, and a mother and child clinic. Antenatal and post-natal visits are made.

406. There is an on-going immunization programme, as follows:

2 months:	diphtheria, whooping cough, tetanus, meningitis and polio drops;
3 and 4 months:	the above repeated;
12-15 months:	measles, mumps and rubella;
4-5 years	diphtheria and tetanus booster; polio drops booster;
10-14 years, girls only:	rubella;
16 years:	school leavers: tetanus, diphtheria and polio booster

407. The Community Health and Development Nurse carries out child development tests with all children at 18 months, 30 months and before the child starts school. Development and physical checks are regularly carried out by the nurse at schools in the course of formal health education from the age of 7 years.

Education

408. Education is free and compulsory from the ages of 4 to 16. The school (the "Two Boats School") provides a United Kingdom based curriculum which is adapted to local circumstances.

409. There are 10 teachers and 98 pupils (54 boys and 44 girls).

410. Technical education is offered in school with releases to organizations for further practical exercises.

411. At present there are two scholarships for two years of sixth form study in the United Kingdom. These are financed by a charity administered by the Administrator. The British Broadcasting Corporation provides distance learning courses leading to the Higher National Certificate and Higher National Diploma for the younger members of its staff. Other organizations offer overseas courses (usually in the United Kingdom) for staff improvement and advancement.

Leisure, sports and cultural activities

412. Sports, games and physical education are organized by the Two Boats School and are an integral part of its curriculum. The Scouts and Guides organizations are very active and play an important role in the development of children. Activities by these organizations include canoeing, rock climbing, caving, walking and camping. There is a Youth Club at Two Boats Village which is open six days a week and a Saturday club which is open to all children. Transportation to the club from Georgetown is provided free of charge. There are also other sports facilities and extra-curricular swimming.

Special protection measures

Children and the law

413. The court in Ascension which has specific jurisdiction to try offences or otherwise exercise particular jurisdiction in respect of children is the Juvenile Court, which exercises the jurisdiction conferred by the Magistrate's Court Ordinance. For the purposes of that Ordinance a juvenile is a person under the age of 17. The relevant Ordinance provides for probation, fines or detention. There is no judicial corporal punishment. There have been no prosecutions of juveniles in recent years.

Children in situations of exploitation

414. Under the Education Ordinance 1989, employment of children under the age of 15 during school hours is prohibited. Under the Children and Young Persons Ordinance, children under the age of 15 years are prohibited from employment on vessels other than vessels on which only members of the same family are employed. There is no drug problem on Ascension. There are no problems of the sexual exploitation of children and no cases involving the sale, procurement or abduction of children.

Minorities

415. There are no minority or indigenous peoples on the Island.

PART III. TRISTAN DA CUNHA

Introduction

416. The Convention on the Rights of the Child was extended to Tristan da Cunha on 7 September 1994.

417. Tristan da Cunha lies in the South Atlantic some 1,260 miles south west of St. Helena, with an area of 38 square miles. The island has a harbour but no airfield. There are about six visits a year to the island by fishing boats from Cape Town and annual visits by RMS St. Helena from Cardiff and SA Agullas from Cape Town. There is a wireless station on the island and a marine satellite system providing direct dialling, telex, fax and e-mail facilities.

418. The main industries are cray fishing, fish processing and agriculture.

419. The permanent population in 1997 was some 288 persons. There are some 39 children under the age of 15 on the island (21 boys and 18 girls). There are some 10 expatriates on the island.

420. The head of the administration is the Administrator, who is appointed by the Secretary of State and is responsible to the Governor of St. Helena. The Administrator is advised by an Island Council of three appointed members and eight elected members (of whom one is required to be a woman), headed by an elected "Chief Islander". Elections are held every three years and

all persons over 18 may vote. Government departments and services cover the following: administration and treasury; agriculture; education; electricity; general maintenance and carpentry; mechanics; medicine; natural resources and environment; police; posts and communications.

421. Under the Application of St. Helena Laws (Tristan da Cunha) Ordinance 1987, the laws of St. Helena (including English law applied to St. Helena under the Application of English Law Ordinance 1987, both of which are hereinafter referred to as the Application of Laws Ordinances) are in force in Tristan da Cunha insofar as they are suitable to local circumstances and with necessary modifications, and save insofar as there are inconsistent laws specifically applied to Tristan da Cunha. Such inconsistent laws include British laws which expressly apply to the island otherwise than under the Application of English Law Ordinance 1987 and laws made by the Governor of St. Helena for Tristan da Cunha. The St. Helena Child Care Ordinance 1996 does not apply to Tristan da Cunha as there is insufficient infrastructure on the island to implement it. However, the Children and Young Persons Ordinance 1965 of St. Helena (as amended from time to time) does apply.

422. There is a magistrate's court in which the Administrator is ex officio the magistrate and sits alone. The Supreme Court of St. Helena has original jurisdiction in the island and appeals from the magistrate's court lie to the Supreme Court, the judge of which may visit the island if required.

423. The island is financially self-sufficient; there are no taxes and revenue comes from royalties from the rock lobster fishery and from the sale of stamps and handicrafts.

General measures of implementation

424. The position with regard to the application of treaties is the same as in St. Helena.

425. The Administrator of Tristan da Cunha is aware of the Convention. It is intended to make this report and any comments of the Committee available within the island at the Public Library.

Definition of the child

426. The age of majority in Tristan da Cunha is 18 and anyone below that age is a minor. In conformity with the Application of Laws Ordinances, applicable English or St. Helena law provides that other ages are relevant for certain legal purposes. Among these, the following should be noted:

(a) A child under the age of 10 is conclusively presumed to be incapable of committing a criminal offence;

(b) A child between the ages of 10 and 13 (inclusive) can only be convicted of a criminal offence if he knew that what he was doing was wrong;

(c) A girl under the age of 16 cannot legally consent to sexual intercourse;

(d) Under the Children and Young Persons Ordinance, a child is defined as a person under the age of 16 and a young person as a person above the age of 16 and under the age of 18.

General principles

427. The principal law with respect to the well-being of children is the Children and Young Persons Ordinance 1965, as amended.

Discrimination

428. The laws of Tristan da Cunha which relate to children and the services provided for children by the administration apply without any discrimination whether on the grounds set out in article 2 of the Convention or otherwise.

Best interests of the child

429. The best interest principle is implicit in various measures providing for the care, safety and protection of children.

Right to life

430. The right to life is protected by the criminal law.

Respect for views of the child

431. As in Ascension, in reaching any decision relating to a child, first consideration should be given to the need to safeguard and promote the welfare of the child throughout his childhood and due consideration would be given to the wishes and feelings of the child regarding a decision involving the child, having regard to his age and understanding.

Civil rights and freedoms

Name and nationality

432. Under the Births and Deaths (Registration) Ordinance all births on the island are required to be registered. Included on the register is the child's name, sex, names of his parents and his date of birth.

433. A child born in Tristan da Cunha is a British Dependent Territories citizen if, at the time of his birth, his father or mother is a British Dependent Territories citizen or settled in Tristan da Cunha. If neither of the parents is so qualified at the time of the birth but subsequently become so qualified while the child is a minor, the child is entitled to be registered as a British Dependent Territories citizen. Further, a child born in Tristan da Cunha and not otherwise such a citizen is entitled to be registered as a citizen after he attains the age of 10 if he has lived in the territory since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Freedom of expression and association

434. It is a principle of law that a person, including a child, is entitled to do anything unless it is specifically forbidden by law. Accordingly, a child has the rights set out in articles 13 and 15 of the Convention, subject only to the restrictions prescribed by law as recognized in those articles and to the responsibilities of the parents as recognized in article 18.

Access to appropriate information and the mass media

435. There is a public library on the island, which includes a collection of reference books and children's books. There is also a small broadcasting station on the island which uses programmes from the British Broadcasting Overseas Service. No television service is available.

Freedom of thought and conscience

436. Every person in Tristan da Cunha has the right to freedom of thought and conscience and religious freedom, subject only to the limitations prescribed by law as recognized by article 14 and subject to the right of parents to provide guidance. There is no compulsory public religion in Tristan da Cunha. Religious education is taught in the school but no child is forced to attend if it is against his, or his parents', will.

The right not to be subject to torture, cruel, inhuman or degrading treatment or punishment

437. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment extends to Tristan da Cunha and is given effect to in law by the Criminal Justice Act 1988 (Torture) (Overseas Territories) Order 1988.

Family environment and alternative care

438. The common law recognizes the responsibilities and rights of parents as regards the maintenance, protection and education of their children.

Adoption

439. The English law on adoption applies in Tristan da Cunha. There have been no adoptions in recent years.

Protection of children

440. The provisions of the Children and Young Persons Ordinance as outlined in paragraph 23 of the Report on Ascension apply in Tristan da Cunha. There have been no cases in recent years of children being brought before a court as in need of care and attention. Nor have there been any fostering decisions.

Basic health and welfare

441. There is one hospital on the island with two single-bedded wards, consulting rooms, operating theatre, x-ray room, laboratory and pharmacy. The hospital is staffed by a resident physician and three nurses. There are annual visits by a dentist and biennial visits by an optometrist. Patients requiring specialist opinion or treatment are evacuated to Cape Town in South Africa.

442. There is a child immunization programme which covers polio, measles, whooping cough and chicken pox.

Education, leisure and cultural activities

Education

443. Education is free and compulsory from the ages of 5 to 15 years. The school is staffed by eight teachers and a librarian and there are 32 pupils. There is also a pre-school play group for children between the ages of 3 and 5.

444. The curriculum at the school covers such subjects as mathematics, English language, science, geography, history, art and craft, health, religious education and domestic science. There is also a course on Tristan Island studies. The curriculum enables pupils to study for the English GCSE in mathematics and English. Other GCSE courses can be arranged on request.

445. There is no technical education, but school leavers join a Youth Employment Scheme involving work experience.

446. Scholarships are available for further secondary education in St. Helena and the United Kingdom.

Leisure, sports and cultural activities

447. Games form an integral part of the school's curriculum. There is a gymnasium, swimming pool and youth club facilities for field sports.

Special protection measures

Children and the law

448. Under the Criminal Procedure Ordinance 1975 of St. Helena, orders which may be made in respect of persons between the ages of 10 and 17 who are found guilty of an offence are probation, a fine or detention. There have been no prosecutions of children in Tristan da Cunha in recent years.

Children in situations of exploitation

449 There is no drug problem on Tristan da Cunha Also no problem exists relating to the sexual exploitation of children or their sale, procurement or abduction Under the Education Ordinance 1989, the employment of children under the age of 15 during school hours is prohibited Under the Children and Young Persons Ordinance, children under the age of 15 are prohibited from employment on vessels other than vessels on which only members of the same family are employed

March 1999

TURKS AND CAICOS ISLANDS

Introduction

450 The Convention on the Rights of the Child was extended to the Turks and Caicos Islands on 7 September 1994

451 Information relating to the Turks and Caicos Islands is set out in annex XI to the core document submitted by the United Kingdom of Great Britain and Northern Ireland in respect of Overseas Dependent Territories and Crown Dependencies on 14 September 1995 (HRI/CORE/1/Add 62) Particular attention is drawn to the information on the general legal framework and the constitutional protection of human rights contained in that annex

452 It is considered that it would be premature to withdraw the reservations made by the United Kingdom in respect of the Turks and Caicos Islands

General measures of implementation

453 As noted in the annex to the core document, treaties which apply to the Islands (including human rights treaties) do not themselves have the force of internal law and cannot be directly invoked before the courts, though the courts will, when possible, construe domestic legislation in such a way as not to conflict with applicable treaties If a treaty requires some change in existing law (which need not necessarily be the case as existing law or administrative practice may suffice to give effect to the treaty), new domestic law must be enacted The existing measures which give effect to the provisions in the Convention are described below

Responsible authorities

454 Given the small size of the Turks and Caicos Islands, there is a limited number of separate agencies with specific responsibilities for children and the family The government department responsible for the implementation of social policies concerning women and children is the Welfare Department, which exists under the Ministry of Health, Education and Welfare Other departments with relevant responsibilities are the Health Department, the Education Department, the Medical Department and the Public Health Department

455. The Welfare Department presently operates a series of programmes throughout the Islands, including a:

(a) Special Needs Programme for the Disabled;

(b) Disaster Relief Programme;

(c) Juveniles Programme;

(d) Welfare Benefits and Family Counselling Programme;

(e) Mental Illness and Drug Rehabilitation Programme;

(f) Child Care and Care of Juveniles Programme.

456. Important roles with regard to children's welfare are also played by various voluntary organizations, NGOs and churches. These organizations include the Kiwanis, the Providenciales Association for the Handicapped (PATH), the newly formed Provo Association for Abused Children, and women's groups such as the Soroptomists and Women Aglow.

Publication of Convention and report

457. Copies of the Convention are held by relevant government departments.

458. It is intended to place a copy of this report in the Public Library.

Definition of the child

459. The age of majority is 18 years, but "child" is defined by reference to other ages for different purposes. Under the Juveniles Ordinance a child is defined as a person under the age of 14. Other relevant ages are:

(a) A "juvenile" under the Juvenile Court Ordinance is a person under the age of 16, and an "adult" is any person who is not a juvenile;

(b) A "young person" under the Young Offenders Punishment Ordinance is a person over 14 years but under 16;

(c) The age of criminal responsibility (under which a child cannot be convicted of a criminal offence) is 8 years (section 3 of the Juveniles Ordinance), under the Rules of Procedure for Juvenile Courts, it is the duty of the presiding magistrate to explain the substance of an alleged offence to a juvenile and to ask whether or not he admits it;

(d) No person under the age of 16 may contract a valid marriage and a person under the age of 21 requires the consent of his parents to marry or, if parental consent is unreasonably withheld, the consent of the High Court (section 14 of the Marriage Ordinance);

(e) It is an offence to have sexual intercourse with a girl under the age of 16 with or without the girl's consent.

General principles

Legislation

460. The principal legislation which particularly concerns children is:

(a)	Welfare	-	Magistrate's Court (Domestic Proceedings) Ordinance 1985 Juveniles Ordinance
(b)	Family	-	Magistrate's Court (Domestic Proceedings) Ordinance 1985 Legitimation Ordinance
(c)	Adoption	-	Adoption Ordinance
(d)	Education	-	Education Ordinance 1989
(e)	Criminal law	-	Young Offenders Punishment Ordinance Juveniles Ordinance Juvenile Courts Ordinance

461. A consensus of opinion arising from collaboration between the relevant departments is that a social services ordinance needs to be enacted which would incorporate much of the present separate laws, many of which date back to the last century. One of the aims of such an ordinance should be to give the Welfare Department statutory authority to intervene at an early stage where children were thought to be at risk or out of parental control.

Discrimination

462. Section 78 of the Turks and Caicos Constitution provides that no law may make any provision which is discriminatory either of itself or in its effect. Discrimination under that provision refers to race, place of origin, political opinion, colour or creed. The laws of the Turks and Caicos which relate to children, and the services provided for children by the Government, apply without any discrimination, whether on the grounds set out in article 2 of the Convention or otherwise.

463. In particular, the Education Ordinance provides that no person shall be denied entrance to any public school on account of the religious persuasion, race, social status or language of such person or his parent. Bible knowledge and Christian religious observance form part of the curriculum of every public school, but any pupil may be withdrawn from such instruction or observance by his parent without forfeiting participation in any other instruction or activities provided by the school. Where the student's primary language is other than English, the relevant education authority may require the child to attend special English classes.

Best interests of the child

464. The laws which make specific provision for courts or administrative bodies to have regard to the "best interests of the child" are:

(a) The Rules of Procedure scheduled to the Juvenile Courts Ordinance which require a Juvenile Court to make inquiries as to various matters so as to enable it to deal with a juvenile who has committed an offence "in the best interests of the juvenile". Section 4 of the Juveniles Ordinance provides that every court in dealing with a juvenile brought before it, whether as in need of care and protection or as an offender or otherwise, shall have regard to the welfare of the juvenile; and section 14 of that Ordinance requires a court to be satisfied that it is in the best interests and for the welfare of the juvenile before committing him to the care of a fit person;

(b) Section 16 of the Magistrate's Court (Domestic Proceedings) Ordinance 1985, which requires a magistrate to have regard to the welfare of the child as the first and paramount consideration when deciding on the custody and upbringing of a child;

(c) The Adoption Ordinance, which requires the court to be satisfied, before making an adoption order, that it will be for the welfare of the infant.

Right to life

465. Section 68 of the Constitution provides that no person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law of the Turks and Caicos of which he has been convicted. The death penalty has been abolished by the Caribbean Territories (Abolition of Death Penalty for Murder) Order 1991 (S.I. No. 988 of 1991) in respect of the crime of murder. The right to life is also protected by the criminal law.

Respect for the views of the child

466. Under the Adoption Ordinance, the court is required, before it makes an adoption order, to give "due consideration to the wishes of the infant, having regard to his age and understanding". The special Rules of Procedure under the Juvenile Court Ordinance make provision for children to make statements and give evidence.

Civil rights and freedoms

Name and nationality

467. Provision is made in the Registration (Births, Deaths and Marriages) Ordinance which require the registration of a birth within 42 days of the birth. The particulars of registration include the name of the child.

468. A child born in the Turks and Caicos Islands is a British Dependent Territories citizen if, at the time of his birth, his father or mother is a British Dependent Territories citizen or settled in the Islands. If neither of the parents is so qualified at the time of the birth but one or other

subsequently becomes so qualified while the child is a minor, the child may be registered as a British Dependent Territories citizen. Further, a child born in the Islands and not otherwise such a citizen can be registered as a citizen after he attains the age of 10 if he has lived in the Islands since birth without an absence of more than 90 days a year. There is also provision for the avoidance of statelessness. A citizen by birth cannot be deprived of his citizenship.

Preservation of identity

469. Section 18 of the Registration (Births, Deaths and Marriages) Ordinance provides that no alteration in any register shall be made except as authorized under that Ordinance. After a child has reached the age of 10 there can be no alteration or registration of a name "without good and sufficient reason". Where an alteration is sought to be made, the original entry must not be erased.

Freedom of expression and association

470. Sections 75 and 76 of the Turks and Caicos Constitution provide for the rights set out in articles 13 and 15 of the Convention.

Freedom of thought, conscience and religion

471. Every person on the Islands has the right to freedom of thought and conscience and religious freedom subject only to the limitations prescribed by law as recognized by article 14 and subject to the right of parents to provide guidance. Section 74 of the Constitution protects freedom of conscience. It provides that no person shall be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, both in public and private, to manifest and propagate his religion or belief in worship, teaching, practice and observance. No person attending any place of education shall be compelled to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own. The position under the Education Ordinance is set out in paragraph 463 above.

Protection of privacy

472. Section 73 of the Constitution provides a guarantee against arbitrary search of the person or property of any person.

Access to appropriate information

473. There is a school library at each of the four secondary schools, and one of them aims to subscribe to the Internet. Primary schools endeavour to provide class libraries and update their stocks by book drives. Children have access to the Victoria Public Library (the central library located on Grand Turk) and the three branch libraries, two on North Caicos and one on Provinciales. These public libraries provide reference and loan facilities for children and subscribe to a number of publications which are of interest to various age groups. The central library also aims to subscribe to the Internet.

474. There are not at present any government-sponsored radio or television programmes for children, but an overall review of communications is projected in the current Country Policy Plan and it may be anticipated that programming for children will be included in the review.

Article 37 (a)

475. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment extends to the Turks and Caicos and is given effect in domestic law by the Criminal Justice Act 1988 (Torture) (Overseas Territories) Order 1988 of the United Kingdom. Section 69 of the Constitution also provides that no person shall be subjected to torture or to inhuman or degrading punishment or other treatment. The Young Offenders Punishment Ordinance of 1909 provides that no child or young person should be sentenced to death. Subsequently, capital punishment for murder was abolished.

Family environment and alternative care

Parental guidance and responsibilities

476. The common law recognizes the responsibilities and rights of parents as regards the maintenance, protection and education of their children, though it is clear that child-rearing is primarily a woman's prerogative. The Juveniles Ordinance specifically recognizes that a parent or other person who is legally liable to maintain a juvenile is required to provide him with adequate food, clothing, rest, medical aid and lodging.

Separation from parents and children deprived of a family environment

477. No child may be removed from the care of his parents except on the order of a court. The Magistrate's Court (Domestic Proceedings) Ordinance 1985 empowers magistrates to make an order for the custody of persons under 18 years of age. Reference has been made in paragraph 464 above to the requirement that a magistrate shall regard the welfare of the child as the first and paramount consideration in making orders relating to the custody and upbringing of children. If there is no one in the Islands who is required by law, or able and willing, to assume responsibility for a child (see also paragraph 494 below), the child is sent to a children's home in Jamaica. There is no residential children's home in the Turks and Caicos.

Family reunification

478. There are no restrictions on children entering or leaving the Islands with their parents.

Recovery of maintenance for the child

479. Under the Magistrate's Court (Domestic Proceedings) Ordinance, a magistrate is empowered to make an order for the maintenance of children. The provisions of the Reciprocal Enforcement of Maintenance Orders Ordinance are not in practice efficacious in providing for the recovery of maintenance from persons out of the Islands.

Adoption

480. Adoption is regulated by the Adoption Ordinance. Adoption orders are made by the court which ordinarily requires the consent of both parents. It is unlawful for any person to give or receive a reward for an adoption or for giving any consent required by the Ordinance. The court is required to be satisfied that the adoption will be for the welfare of the infant.

Illicit transfer and non-return of children

481. It is an offence to take away any child under the age of 14 with the intent of depriving the parent or guardian of the child, but this provision is of little use where a parent abducts the child and takes him out of the jurisdiction. Turks and Caicos have no arrangements for obtaining the return of children taken abroad.

Abuse and neglect, including physical and psychological recovery and social reintegration

482. The Summary Offences Ordinance and the Juveniles Ordinance make provision with regard to the abuse and neglect of children. Under the former, it is an offence:

(a) For any parent or person entrusted with the charge of a boy under the age of 14 or a girl under the age of 16 wilfully to neglect, ill treat or abandon the child in a manner likely to cause him or her unnecessary suffering or injury to health;

(b) For any parent who is able, wholly or in part, to maintain his children, wilfully to refuse or neglect to do so;

(c) For a man who is able, wholly or in part, to do so, wilfully to refuse or neglect to do so.

483. The Juveniles Ordinance makes it an offence:

(a) For any person over the age of 17 who has the custody or care of a juvenile, wilfully to assault, ill-treat, neglect, abandon or expose such juvenile or to procure another to do so, in a manner likely to cause the juvenile unnecessary suffering or injury to health, including injury to or loss of sight or hearing or of any limb or organ, or any mental derangement;

(b) To cause, procure or allow any juvenile to be in any place begging or receiving alms.

If there is reasonable cause to suspect that a juvenile is being so abused or neglected, the juvenile may be brought before a magistrate or justice of the peace, detained in a place of safety and brought before a Juvenile Court. Any police officer or supervisor appointed by the court may also bring a juvenile who is believed to be in need of care or protection before a Juvenile Court.

484. A Juvenile Court may, if satisfied that the welfare of the juvenile so requires:

(a) Commit the juvenile to the care of any fit person who is willing to undertake his care (see also paragraph 494 below) where it deems it necessary to remove the child from undesirable surroundings;

(b) Require the parent or guardian to enter into a recognizance to exercise proper care and guardianship;

(c) Place the child, either in addition to or without making an order described in subparagraph (a) or (b), under the supervision of a Supervisor for a period not exceeding three years.

There are no government or voluntary homes in the Islands for children in care, but the Government has an arrangement with the Government of Jamaica under which children may be accommodated in a residential children's home in Jamaica. At present, seven children from the Islands are accommodated in the Jamaica home.

485. Under the Magistrate's Court (Domestic Proceedings) Ordinance, a magistrate may appoint a person to act as a supervisor to visit and befriend a person under the age of 18 and if necessary bring him before a court as in need of care and protection. A magistrate may also require a parent who has threatened violence against his child to leave the matrimonial home and not to re-enter it.

Basis health and welfare

Survival and development

486. The Turks and Caicos Government has a programme for the full antenatal care of pregnant women, including the provision of iron and multivitamin supplements. Antenatal clinics are held weekly at each health centre, except in Provinciales where they are held bi-weekly. Expectant mothers who do not attend are visited at home. Maternal update seminars are conducted for all practising midwives. So far as possible, all children are delivered by trained midwives or an obstetrician in a hospital or health centre. It is endeavoured to ensure that first and fourth (and over) children are delivered in Grand Turk Hospital. Post-natal clinic sessions are held weekly and mothers and newborn children have a full post-natal examination by the obstetrician gynaecologist at the end of six weeks. They are also visited by a district midwife of public health nurse until mother and baby are seen to be coping well. The infant mortality rate is: male 6 and female 3.64 (1993).

487. The Government has established a Health Promotion Council specifically to formulate and implement programmes designed to reduce infant mortality and to increase life expectancy. Breastfeeding is encouraged for at least four months. There is a surveillance scheme for all communicable diseases and a vigorous implementation of infant immunization, with an 100 per cent coverage in the last five years. Child health clinic sessions are held weekly at each health centre.

Disabled children

488. There are day centres for disabled children on Grand Turk, Provinciales, North Caicos and South Caicos; and South Caicos also has a residential home for disabled children. The centres on Grand Turk and Provinciales have their own minibuses and donations of specialized equipment have been made. Visits to the centres are made by a government doctor on an ad hoc basis. A Disabled Persons Ordinance was enacted in 1989 under which a magistrate or justice of the peace may order a disabled person to be removed to a place of safety if he is assaulted, ill-treated or neglected in a manner likely to cause him suffering. A court may commit such a person to the care of a fit person, or require his parents to enter into recognizances for his welfare, or put him under the supervision of a welfare officer. Neglect or abandonment of a disabled person by a person who is responsible for his care is an offence.

489. In some cases, children with severe disabilities have been sent off-island for treatment or education.

Health and health services

490. There are the following health services on the Islands:

Hospitals	1
Polyclinics	1 primary and secondary care
Clinics or health centres	9, including the polyclinics
Doctors	5, including the Chief Medical Officer, 1 surgeon, 1 anaesthetist and 1 obstetrician/gynaecologist
Chief Nursing Officer	1
Primary health nurses	1
Public health nurses	3
Nurse midwives	16
Nurses	9
Clinical nurse midwives	6
Clinical nurses	6

491. Health services are provided free to children under the age of 18. School health services are provided by the public health nurse and provide inspections, immunization boosters and vision and hearing screening.

492. The Government health services provide programmes to encourage family planning and for health education. Nutritional health education (obesity is a problem) is conducted in all antenatal, post-natal and child health clinic sessions, and in school, church, civic and service groups and youth groups. A health promotion plan is ready for implementation and a food policy plan is being drafted. "Health Life Styles" - a pamphlet designed for both primary and secondary schools - has been introduced into all schools.

493. (a) AIDS/HIV is a present threat. There have been 94 cases of AIDS between 1985, when the first case was diagnosed, and 1996, some 53 males and 41 females. Most cases are in the 25 to 44 age group but five were paediatric cases. As at the end of 1996, 68 adults and 3 of the children had died.

(b) A national AIDS programme has been adopted to protect the health and safety of children. As part of this programme to prevent mother to child transmission and to care for the HIV positive woman and her family, the following measures are being taken:

(i) ATZ is available to all pregnant women who are HIV positive; this has been bound to reduce the transmission rate of the virus from mother to child;

(ii) A comprehensive counselling service is available which is designed to help parents cope with the condition and to teach healthy living;

(iii) Links are provided with social welfare and other services to provide a holistic approach to treatment and care.

(c) The National AIDS Programme also recognizes the vulnerability to infection of children and they are a main object of intervention under the programme. Particular measures for providing children with information and tools to protect themselves are:

(i) Support for the health life style curriculum in schools. Children are provided with information about HIV/AIDS through this curriculum;

(ii) A peer education/counselling programme has been adopted which uses youths as teachers and counsellors for other young people and provides posters, videos and other means to reach young people.

(d) Orphans of AID victims are provided with welfare benefits.

Social security and standard of living

494. There is no welfare legislation as such, but government policy provides for various forms of welfare.

Foster care programme: This programme seeks to place juveniles in need or in difficulty in foster homes. The programme is funded from a government vote called the Care of Juveniles Vote. The foster parents are mainly, in practice, "fit persons" appointed under sections 9 and 14 of the Juveniles Ordinance. The Chief Welfare Officer designates foster homes on the basis of "fit person" court orders on a case-by-case merit basis independently of a court order and the foster parents receive a grant, currently at the rate of $35 per week per child.

Welfare benefits programme: Financial benefits ranging from $40 to $100 per month may be payable in respect, amongst others, of children whose father is imprisoned, orphans,

children in single parent families, disabled children and the children of indigent parents. The programme is administered by the Chief Welfare Officer and the benefits are means tested.

National Insurance Scheme: Provides for survivors' benefits, including benefits for children.

495. Certain voluntary organizations provide day-care facilities for children, and church organizations provide educational programmes for schoolchildren. A child-care officer in the Education Department is responsible for ensuring that day care and pre-school centres adhere to government standards.

Education, leisure and cultural activities

Education

496. Education is compulsory between the ages of 4 and 16, and is provided by public and private institutions. Education in public schools is free. There are 10 public primary schools and 4 public secondary schools:

Public schools

	Primary	Secondary	Total
Students			
Male	923	485	1 408
Female	867	464	1 351
Total	1 790	969	2 759
Teachers			
Male	6	39	45
Female	75	62	137
Total	81	101	182

There are 10 private primary schools and 1 private secondary school with a total of approximately 500 pupils and 30 teachers.

497. At primary level, the curriculum places great emphasis on the core areas of English, mathematics and science. At secondary level, students in the lower school are exposed to a wide range of subjects which are narrowed down for specialization in the upper school. The range of subjects offered includes English, English literature, integrated science, Spanish, social studies, geography, history, art, music, technical drawing, cooking and textiles, woodwork, food and nutrition, physical training, and business studies. Students are prepared for external examinations at the end of their secondary education. In the absence of a vocational training institution, a pre-vocational education programme is incorporated in the secondary school's

curriculum and is offered in the final two years of secondary schooling. The programme seeks to address the needs of students whose greatest strengths lie in practical subjects.

498. The Turks and Caicos Community College opened in 1994, offering tuition at A-level in economics, English, mathematics, law, history, sociology, accounts and computer studies. In order to qualify for the A-level programme, students must hold a minimum of four General Proficiency Grade I or II passes, or the equivalent. The students are prepared for the London or Cambridge examinations at that level. It is anticipated that further subjects will be added when the college facilities are completed.

499. There are no facilities for tertiary education in the Islands.

500. Truancy is not prevalent in the majority of schools, but does exist at the secondary level in Provinciales and to a lesser extent in Grand Turk. In the absence of truancy officers, it is dealt with by head teachers with assistance from parents, a guidance counsellor and in persistent cases, the Welfare Department.

Aims of education

501. The Education Ordinance requires the Minister for Education to foster a system of education calculated to ensure that the educational, technical and vocational aptitudes of children find adequate expression and opportunity for development. Education in the Turks and Caicos is also seen as a potent instrument for national building in the belief that "people development leads to national development"; hence all citizens have a right to appropriate education that will enable them to become participants in and contributors to national development.

Leisure and cultural activities

502. The main opportunities for children's involvement in leisure time activities are provided through the Sports Council, which is an agency of the Ministry of Education, and by different groups and organized extracurricular events staged by schools. These programmes vary and are dependent upon the resources available at any given time.

Special protection measures

Situations of emergency

503. The Turks and Caicos are subject to the same international conventions and laws relating to armed conflicts as are applicable to the United Kingdom.

Children in conflict with the law

504. The guarantees set out in article 40.2 of the Convention are secured for children, as for everyone else, by section 72 of the Constitution of the Turks and Caicos Islands. The age of criminal responsibility is noted at paragraph 459 above.

505. Juveniles (persons under the age of 16) who are alleged to have committed offences are dealt with under the Juveniles Ordinance, the Juvenile Courts Ordinance and the Young Offenders Punishment Ordinance. Where a juvenile is charged with an offence punishable on summary conviction, the charge shall be heard in a Juvenile Court, unless the juvenile is charged jointly with an adult. A Juvenile Court is presided over by a magistrate or justice of the peace and the public is excluded. The Rules of Procedure provide for the rights of the juvenile to be represented, question the witnesses, make statements and give evidence on their own behalf. An appeal lies from a Juvenile Court to the Supreme Court. Under the Juvenile Ordinance, where a juvenile has been found guilty of an offence, the court may dismiss the case, place the juvenile on probation (if necessary under the care of a supervisor), commit the juvenile to the care of a fit person, or order the parent or guardian to enter into recognizance for the juvenile's good behaviour. Where the court commits a juvenile to the care of a fit person, it is required to ascertain the religious persuasion of the juvenile and take that into account.

506. Under the Young Offenders Punishment Ordinance if a child (a person under the age of 14) or young person (a person between 14 and 16) is charged before any court with any offence (other than murder) for which an adult would be tried in the Supreme Court, the court may try the offence summarily, and upon conviction may:

(a) In the case of a child, order the child to be detained for a period not exceeding three months;

(b) In the case of a young person, impose imprisonment for a period not exceeding three months.

A child shall not be imprisoned, but if the court considers that no other sentence or order is appropriate, he may be ordered to be detained in such place and for such time, not exceeding three years, as the Governor may consider appropriate. Corporal punishment has been abolished.

507. The Juvenile Ordinance also contains provision which seek to ensure that juvenile offenders do not come into unnecessary or prolonged contact with adult offenders.

508. Persons between the ages of 16 and 19 are tried as adults.

Children in situations of exploitation

509. Under the Employment Ordinance, it is an offence to employ any person of compulsory school age during any period during which he is required to be in school. Under the Juvenile Ordinance, it is an offence for anyone, including a person having the custody, charge or care of a minor, to cause or allow a juvenile to be in any place for the purpose of begging or soliciting alms.

510. The Control of Drugs Ordinance has been implemented as a response to the increase in drug-related activity. Sections 5 and 6 of the Ordinance restrict the production, supply and possession of "controlled drugs". The Government has also prepared a report on its response to the Barbados Plan of Action in relation to the Caribbean Drugs Control Co-ordination Mechanism. Extracts from this report are annexed to this report.

511. The Offences Against the Person Ordinance provides for a number of sexual offences against young people, including rape, carnally knowing, with or without consent, females under the age of 16, indecent assault on any female, taking any unmarried girl under the age of 16 out of the possession and against the will of her parents. The Summary Offences Ordinance makes special provision for aggravated assaults on any female or a male child under 14. There is a teenage prostitution problem, often among children from other Caribbean islands whose parents have abandoned them.

Laws annexed

The following laws are annexed to this report:

- The Adoption Ordinance
- The Disabled Persons Ordinance
- The Juveniles Ordinance
- The Juvenile Courts Ordinance
- The Magistrates Court (Domestic Proceedings) Ordinance
- The Summary Offences Ordinance
- The Young Offenders Ordinance.

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